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By Jacob Heilbrunn

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THE NEW REPUBLIC

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APRIL 13, 1998

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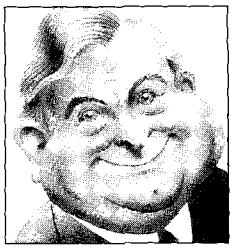

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CORRESPONDENCE

Killer coup

To the editors:

Daniel Bell's article "After the Tsunami" (March 9) contains a significant factual error concerning Indonesia's recent history. Bell states that General Suharto took power "during an anti-Communist coup in 1965 that left more than a half million dead (primarily members of the Chinese minority)." Leaving aside the question of whether this event might better be described as a "countercoup," it is generally known and accepted that the Chinese community was not the primary target of the 1965 killings. Most estimates of ethnic Chinese victims that I have seen indicate that between 5,000 and 10,000 Chinese died during the uprising. This still represents horrendous suffering, of course. There is also no question that the uprising intimidated the Chinese community and was followed by the adoption of a wide range of repressive measures, e.g., the banning of Chinese-language schools and newspapers. But it is inaccurate to suggest or imply that the 1965 coup was primarily an ethnic conflict between Chinese and Indonesians.

DAVID L. GANDLE
Chicago, Illinois

Daniel Bell replies:

With the regime which oversaw and approved the killings still in power, it is difficult to obtain reliable figures on the ethnic composition of the 1965–66 killings in Indonesia. Shortly after the killings, the *Far Eastern Economic Review* reported that hundreds of thousands of Chinese were massacred. But Charles Coppel, author of *Indonesian Chinese in Crisis*, estimates that "the total number of Chinese killed can scarcely have exceeded about two thousand." What seems clear is that Indonesians of Chinese descent were subject to a wide variety of pressures and attacks resulting from the tendency to identify them with the PKI (the Indonesian Communist Party) and the Beijing government. Even though the U.S. Embassy provided lists of the PKI hierarchy to military leaders, the killers did not always make neat distinctions between Communists and Chinese.

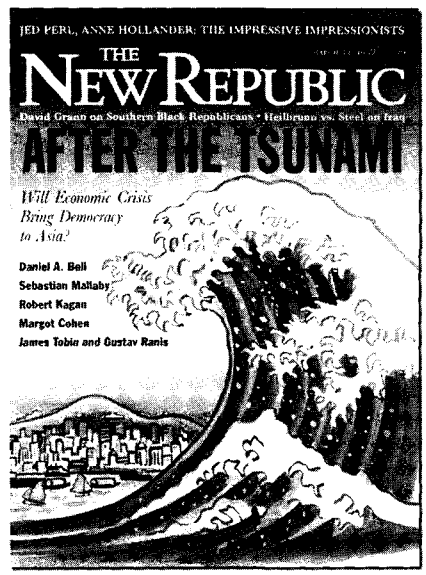
Carter v. Reagan

To the editors:

In his eagerness to refute the dubious proposition that a pro-growth authoritarian regime was a necessary precursor to the emergence of democracy in South Korea, Robert Kagan inflates the importance of America's role in that emergence ("What Korea Teaches," March 9). He also fabricates a contrast between the Carter administration's supposed inaction and the Reagan administration's supposed interventionism. There is no basis for these conclusions in Don Oberdorfer's *The Two Koreas*, which Kagan is purportedly reviewing.

Kagan argues that "Carter's devotion to the principle of nonintervention trumped his devotion to human rights," while the Reagan administration acted "far more energetically on behalf of democracy."

But Oberdorfer explains that the Carter administration repeatedly warned elements of the Korean military against


JED PERL, ANNE HOLLANDER: THE IMPRESSIVE IMPRESSIONISTS
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Daniel A. Bell
Sebastian Mallaby
Robert Kagan
Margot Cohen
James Tobin and Gustav Ranis

taking repressive measures and that, after General Chun's coup, Carter attempted "to press Chun and deny him full legitimacy." Reagan, by contrast, welcomed Chun to the White House, receiving him even before receiving the leaders of Canada, Britain, France, or Japan.

In 1987, the Reagan administration eventually did warn Chun against crushing the pro-democracy movement. But Oberdorfer endorses the view that the real credit belongs to the Koreans themselves.

RICHARD JOFFE
New York, New York

Robert Kagan replies:

Richard Joffe is mistaken. In his book, Don Oberdorfer draws a clear distinction between the policies of the Carter administration, which he describes as being limited to ineffectual "attempts at persuasion" of the Korean military regime, and those of the Reagan administration, which "at a crucial moment ... played an important supporting role" in actually bringing about Korea's transition from military dictatorship to nascent democracy. Oberdorfer also makes it clear that Reagan's invitation to Chun for a state dinner in 1981 was part of the bargain that probably saved Kim Dae Jung's life.

Surprise attack

To the editors:

On the subject of a surprise bombing attack on Iraq ("Mission Possible," March 9), Jacob Heilbrunn writes: "Since when do you warn a foe you're about to attack him?"

During the Cuban missile crisis, President Kennedy and his advisers discussed this very subject at length. Most, including the president, were opposed to a surprise attack. A well-reasoned, nonviolent response carried out with patience and perseverance worked then and may work now.

DAVID A. BINZEN
Tunbridge, Vermont

To the editors:

Regarding Jacob's Heilbrunn's "Mission Possible": It was, of course, Adam Smith, not Edmund Burke, who said, "There is a great deal of ruin in a nation."

GERTRUDE HIMMELFARB
Washington, D.C.

A bit of privacy

To the editors:

Your March 9 editorial, "Don't Ask, Don't Tell," states: "In an age when the boundary between public and private life has been eroded to the vanishing point, the White House residence is the only place where the president and his family can take refuge from the public's gaze."

Am I to assume that TNR includes the Oval Office, where the alleged sexual activity took place, as part of the Clinton family residence? I guess I'm not surprised by how far the president's loyalists will go to protect their man.

ROSS E. BENSON
Henderson, Nevada

Good government

To the editors:

Jesse Walker's huffing over the FCC's attack on illegal radio stations was meant, I suppose, to fill us with scorn for the federal agency and pity for the radio rebels ("Rebel Radio," March 2). Not me. I was glad to know that the FCC is doing its job.

FRANK BREDELL
Lincoln Park, Michigan

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"We believe the influence of money affects our ability to address most every issue our nation now confronts."

From the Statement of the National Citizen Assembly on Money and Politics

"I think what we're struggling with is: How do we put citizens back into government?"
Don Belton,
Tallahassee Assembly participant

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John Maki,
Seattle Assembly participant

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From the Statement of the National Citizen Assembly on Money and Politics

"Money buys access; access buys influence; influence buys results."
Journalist Elizabeth Drew,
addressing Assembly participants

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Journalist Bill Moyers,
addressing Assembly participants

For nearly two years, citizens around the country talked about money and politics in their home states. They produced a framework for action in a report called *Political Fortunes.* Earlier this month, these same citizens came to Washington to talk about what the nation should do. They deliberated as a group and with national leaders and thinkers. For a copy of the *Political Fortunes* report and the citizen statement, call The Harwood Institute at 303/247-9683.

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FROM WASHINGTON

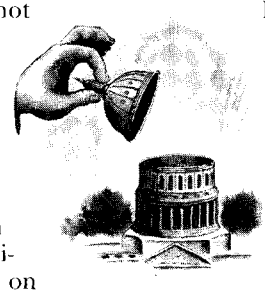
Exam question

Can we live without affirmative action in college and professional school admissions? In a provocative essay in these pages last week, sociologist Nathan Glazer explained why the answer must be no. The difference between black and white performance on standardized tests is so large and so immutable (in the short term) that to institute a color-blind admissions policy—as California and Texas have done recently—results in a student population that almost entirely excludes blacks. And that, Glazer argues, undermines the social and political legitimacy of our elite institutions even more than bending meritocratic standards does.

A clear enough position—and a bold one, given that Glazer was one of the first apostate liberals to challenge affirmative action back in the '70s. Glazer, like most of those who write about affirmative action, pro or con, also offered an account of the *source* of difference between black and white test scores. Plainly, as Glazer noted, it has something to do with lingering effects from 400 years of slavery and systematic discrimination. The contemporary collapse of the inner-city black family and social structure is also important. But what's missing from these familiar explanations is a much more specific sense of how social trends act on the educational experiences of discrete individuals as they prepare for, and apply to, college and professional schools. Yes, even a middle-class black student must bear some extra burden because his ancestors were slaves or because of, say, the lower expectations white teachers often project toward black students. But how does that translate into a lower score when the No. 2 pencil meets the LSAT answer sheet?

One suggestion comes from a fascinating recent story by Frances A. McMorris of *The Wall Street Journal* about the complex interrelationships among race, economic status, and standardized test performance. McMorris reports that some 37 percent of white prelaw students take a prep course for the LSAT; only 28 percent of blacks do. And this percentage difference, while significant, masks the even more decisive fact that whites are much likelier to take top-quality classes from companies like Princeton Review or Kaplan, which typically cost $900 and last six to twelve weeks.

For the most part, black students, even those from middle-class families, can't afford these courses. Or they don't know about them because, reasonably enough, the test-prep companies target their marketing to concentrations of higher-income (mostly white) students. Or blacks are reluctant to attend, knowing that, as a Kaplan official told McMorris, classes "will not have a single black student." Thus, blacks make do with much cheaper weekend courses sponsored by moonlighting college professors or other test-prep amateurs. Since Princeton Review or Kaplan can often increase an applicant's score by seven points on the 60-point LSAT scale, this puts blacks at a real disadvantage.



Of course, this disparity alone cannot account for all, or even most, of the giant test-score differential cited by Glazer. Almost two-thirds of white law applicants do not take any LSAT-preparation classes whatsoever. Clearly the tests are, as Glazer says, objective, and they accurately measure innate aptitude and acquired knowledge—both of which are relevant to later performance in college or professional school. Test preparation is not a magic bullet.

But, just as obviously, the disparity in access to test preparation must count for *something*. That is, Princeton Review and Kaplan charge $900 for a reason. And the reason is that the LSAT and other standardized tests, to some degree, measure a student's ability to take tests. Thorough, expertly taught preparation can raise a student's ability to cope with, and hence succeed on, a particular exam. In many cases, then, test prep can make the difference between getting into a top-flight law school and settling for the second tier.

Princeton Review recently offered a $375 LSAT prep course to a small group of students at historically black Florida A&M. Those who went on to take the LSAT achieved scores equal to the national average for whites. Greater access to test preparation would be "the single most effective short-term effort that could be made to increase the number of competitive minorities," M. Michael Sharlot, the dean of the University of Texas Law School, told McMorris. But the private sector can't meet the need. Kaplan's minority scholarship program has only 50 openings in all of Texas.

The obvious solution, then, is government test-prep aid to minority students, perhaps in the form of vouchers like those currently available for job training. Unfortunately, such a program would raise legal questions. The Supreme Court has yet to rule on the constitutionality of student-aid programs designated for minority beneficiaries only. But it has let stand a Fourth Circuit opinion that overturned the blacks-only Benjamin Banneker scholarships at the University of Maryland. The Fourth Circuit held the program was not narrowly tailored to meet a compelling state interest in promoting diversity or remedying past discrimination—as current Supreme Court doctrine requires. Present-day "societal discrimination" cannot be a sufficient justification, the Court held.

The test-prep example, however, shows how hard it can be to disentangle the effects of past and present discrimination. Is the cash shortage that prevents many African American students from attending Kaplan strictly contemporary in origin, or is it related, still, to the diminished life chances their parents had because of segregation? Are students at Florida A&M getting a first-rate college education or an education still affected by the fact that the school was originally created in the days of state-sponsored second-class colleges for blacks only?

Politically, too, it would be difficult for Congress or state legislatures to vote special scholarships for blacks when plenty of whites could also use aid. In that sense, test-prep scholarships would merely displace the affirmative action battle to an earlier stage in the admissions process.

Still, it's useful to think of this issue in terms of the distinction critics of affirmative action draw between the "bad" kind of affirmative action—quotas—and the "good" kind—measures designed to enhance blacks' capacity to compete with others in color-blind competition. If test-prep aid for African Americans doesn't qualify as "good" by these criteria—especially in states like California and Texas where blacks are being told to compete for spots in school without the crutch of race-conscious admissions—what would?

CHARLES LANE

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THE NEW REPUBLIC

APRIL 13, 1998

NOT SO WELFARE

For most Americans, the current status of welfare reform can be summed up in a single, triumphal soundbite: "the biggest drop in welfare rolls in history," as President Clinton put it in a recent speech before the Democratic National Committee. "The fundamental issue," he added, "is that we've reduced the welfare rolls by 3.8 million."

That statistic represents some very real success in promoting work over welfare dependency. But, as three new studies released this week suggest, the interim report on welfare reform is a bit more complicated than the president's numbers suggest. The studies are worth heeding, in part because they are among the first to look even semi-systematically at why people have been leaving the welfare rolls and at what happens once they do.

For many poor people, the "why" part is easy: Welfare recipients have stopped getting benefits because they have started working—thanks to a booming economy in which wages have been rising even for low-skill entry-level work. But, in a statistical analysis published this week in *The Washington Post*, reporters Barbara Vobejda and Judith Havemann showed that a significant proportion of ex-recipients had been pushed off the rolls, not because they had found jobs, but because they had committed infractions ranging from failing to look for work to missing appointments with their caseworkers. In one three-month period last year, for example, 38 percent of all welfare recipients who stopped getting benefits were cut off because of stringent new state sanctions. These numbers are a victory for "tough love"; behavioral norms must be enforced if the dysfunctional "culture of poverty" is to be uprooted. But, for the moment, they are also an indicator of how grudgingly that culture gives way to the work ethic.

Meanwhile, a state survey of New Yorkers who dropped off the welfare rolls between July 1996 and March 1997 revealed that only 29 percent had found full- or part-time jobs in the first several months after they stopped getting public assistance. The survey had one major flaw: it determined whether the former welfare recipients were working by checking whether an employer had reported their wages to the state. Thus, it left out anyone working off the books or for herself; it omitted people who may have moved out of the state and those whose employers did not report their wage information promptly. In other words, the study almost certainly underestimated the proportion now working.

In a way, though, the most revealing study of the three was the one that appeared to be the most optimistic. In the first reliable, carefully controlled study of welfare time limits, researchers at the Manpower Demonstration Research Corp. documented the effects of a Florida law that cuts off benefits after two years. The idea was to determine whether a looming deadline encouraged people to find jobs. About half of all recipients studied were both working and getting benefits when the deadline hit; among those who weren't working, about half got jobs within the next six months. No one was yet in desperate straits. "CUT OFF WELFARE BY TIME LIMITS, MOST FOUND JOBS, FLA. STUDY FINDS," *The Washington Post* headlined.

Actually, though, this was a story not only about the efficacy of deadlines but also about the need for often expensive public investment in helping people make the transition from welfare to work. The Florida program was exceptional in many ways. It was limited to one county, in which Pensacola is the major city and a flourishing tourism industry provides plenty of jobs. And, as the study's lead researcher, Dan Bloom, told TNR, it was "a program that really put into effect the best practices in this field. It provided a very rich array of services—fully subsidized child care, extensive job training." Even the ratio of caseworkers to clients was much lower than in traditional welfare programs. Case managers and employment-training specialists worked closely together, another helpful departure from normal practice. Moreover, there were no significant sanctions along the way to the two-year time limit. "The expectations were high and people might have their benefits reduced for some infraction, but they weren't forced off the welfare rolls till their two years were up." The Pensacola program also allowed people who got jobs while they were still getting welfare to keep more of their earnings without losing benefits.

This study is a reminder that it's relatively cheap to get people off the welfare rolls—but it costs money to keep them off. It's a lesson that other states would do well to take more seriously, especially in these times of budget surplus. For, even though Florida has enacted a statewide program, it is not as impressive—nor as expensive—as the system it tried in the Pensacola area. And elsewhere, as a Tufts University study concluded, "most states are trying to do welfare reform on the cheap." That should not be the bottom line. •

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NOTEBOOK

OUT OF AFRICA: President Clinton's tour of Africa has a theme: contrition. America, the president has said at almost every stop, is sorry for the way it has stereotyped and mistreated the people of that troubled continent over the years. And, in some ways, the president's apologia is appropriate. What better place to voice regret over the Atlantic slave trade than the heart of the continent from whence the unwilling passengers of the *Amistad* were wrenched? But, in his discussion of modern times, the president strayed. What, for example, accounted for his stunningly uncomplicated view of the cold war in Africa? "[W]e were so concerned about being in competition with the Soviet Union," the president said (as if both the "concern" and the "competition" reflected not the reality of Soviet expansionism but some peculiar American irrationality), that "very often we dealt with countries in Africa and in other parts of the world based more on how they stood in the struggle between the United States and the Soviet Union than how they stood in the struggle for their own people's aspirations to live up to the fullest of their God-given abilities." True enough: The egregious American-supported reign of Zaire's Mobutu Sese Seko is Exhibit A. But it was the Soviets and their proxies who insisted on turning Africa into an arena of East-West conflict. Clinton could have at least mentioned either the Cuban battalions who arrived in Angola as soon as it became independent in 1975, and waged war against the Luanda government's political and tribal rivals for the next 15 years, or the Soviet, East German, and Cuban troops who propped up the genocidal regime of Mengistu Haile Mariam in Ethiopia. U.S. military aid to counter the Soviets was at least leavened by the Peace Corps and productive investment, whereas giant arms shipments and secret-police training were the exclusive means by which the Soviets bolstered their clients. In fact, the Soviets were responsible for more war and poverty in Africa than the United States was. The president might have also mentioned the role played in Africa's misery by its own corrupt post-colonial rulers, who were often only too eager to exploit Soviet-American competition. The legacy of two decades of rule by Mohammed Siad Barre in Somalia—he took arms and money first from the Soviets and then from the Americans—was chaos, violence, and starvation. That situation was relieved, albeit temporarily, when the U.S., acting out of humanitarian motives, organized an international rescue effort led by its own forces. But the president forgot to factor that good deed—much of which took place on his watch—into his historical balance. Not only did he offer Africans an excuse for the failures of their own governments; the excuse he offered them was historically distorted.

UNSCOM WATCH, II: Richard Butler emerged from a March 24 meeting with Deputy Prime Minister Tariq Aziz in Baghdad and announced "great progress" and a "new spirit of cooperation" between UNSCOM and the Iraqi government. Then we learned that, in the spirit of cooperation, Iraq had recently jailed Dr. Nassir al-Hindawi, a septuagenarian architect of their germ-warfare program, on charges that he was about to defect—that is, he was about to have an inconveniently candid conversation with UNSCOM outside of Iraq. Now, UNSCOM's only access to the good doctor will be in his prison cell, where the U.N. inspectors will be completely free to interview him in the presence of Iraqi security officials. This episode illustrates an essential facet of the UNSCOM sham. Inspections of laboratories and other physical facilities must be accompanied by briefings from the Iraqi scientists who operate them. But it is in the very nature of the Iraqi dictatorship that such briefings never be open and candid. Anyone who really tries to "cooperate" with UNSCOM will wind up either in jail, like Dr. al-Hindawi, or dead. Meanwhile, not a single one of Saddam's presidential palaces has yet been inspected by UNSCOM. And it appears that, when access is finally granted to U.N. officials, neither the usually rigorous Butler nor American inspector Scott Ritter will be part of the team. Pursuant to Kofi Annan's U.S.-supported agreement with Saddam Hussein, much of Butler's authority over such matters has been handed off to a "Special Group" of 19 diplomats and 60 inspectors headed by Sri Lankan Jayantha Dhanapala. Further undermining Butler is a newly created U.N. envoy who is to monitor the inspectors and the Iraqi government: Indian diplomat Prakash Shah, an old bureaucratic enemy of Butler, has announced that Saddam will receive only short notice of presidential inspections. How reassuring.

YOU CAN'T PLEASE EVERYBODY:

Vatican's war apology upsets Jews

—*Detroit Free Press*, March 17.

Metro Jews welcome Holocaust apology

—*The Detroit News*, same day.

(Thanks to Pete Waldmeir of Detroit, Michigan.)

A CHANGE IN STRATEGY:

Jones's Past Private Life Is Targeted

—*The Washington Post*, March 20.

Clinton Lawyer Says He'll Avoid Issues of Paula Jones's Sex Life

—*The New York Times*, same day.

HOME NEWS: This week Dana Milbank joins TNR as a senior editor. Now the same informed and witty sensibility that has been the hallmark of his political coverage for *The Wall Street Journal* will grace these pages. Welcome aboard. •

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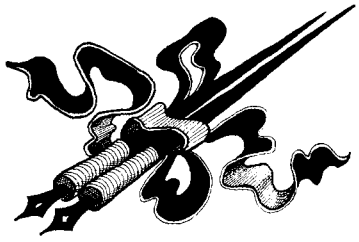
THE HARD QUESTIONS

BAD BIDDING

By Michael J. Sandel

The recent auction of John F. Kennedy memorabilia displayed two distasteful features of American culture in the 1990s: One is the obsession with celebrity; the other is the willingness to turn everything into a commodity. Among the items sold: a JFK rocking chair ($300,000), a sheet of presidential doodles ($12,250), the black alligator briefcase Kennedy carried with him to Dallas ($700,000), his Harvard sweater ($27,500), long underwear ($3,000), and a plastic comb ($1,100). The auction consisted largely of items that Robert L. White, an avid collector of JFK memorabilia, had inherited from Kennedy's longtime secretary, Evelyn Lincoln.



Kennedy's children, Caroline Kennedy and John F. Kennedy Jr., opposed the auction, disputing the ownership of some items and seeking to claim them for the John F. Kennedy Library in Boston. "Mrs. Lincoln never owned the vast majority of items that Mr. White received from her," they stated. "They once belonged to our father. They now belong to our family, to history, and to the American people." Defenders of the auction charged the Kennedy children with hypocrisy, citing their own $34.4 million auction of Jacqueline Kennedy Onassis's belongings two years ago. White's lawyer accused them of trying to "pick things out of the collection like it's an L.L. Bean catalog." The wrangle ended when White agreed to hand over two Kennedy diaries and other personal items in exchange for an agreement by the Kennedy children not to challenge the auction in court.

Legal rights and wrongs aside, the auction reflects a tawdry trend that is gaining momentum by the day: the commodification of memory, the peddling of national pride and pain, the consignment of our past to mail-order catalogs and home shopping channels. In the case of Kennedy-related artifacts, the memorabilia market is fueled not only by sentiment but also by a lurid desire to possess the trappings of tragedy. Items related to the assassination are especially prized by collectors. Last year, an auction house sold a teletype printout of the Associated Press's report of the Kennedy assassination. Several years ago, the gun Jack Ruby used to kill Lee Harvey Oswald fetched $200,000.

Many feel a sense of moral queasiness at the spectacle of history on the auction block, but what exactly is wrong with selling presidential diaries, documents, and underwear to the highest bidder? At least two things, depending on the artifact: The first is that it privatizes what should be public; the second is that it publicizes what should be private.

When significant historical documents are at stake, selling them off to private collectors deprives the public of access (through libraries, museums, and archives) to sources of collective identity and memory. To commodify the past is to diminish the public realm. This is why many in the art world oppose the "deaccessioning," or selling off, of masterpieces from museum collections to raise funds for expenses. It is also reason to regret the sale to a private collector several years ago of a newly discovered first printing of the Declaration of Independence (for $2.4 million). Some scholars and civil rights figures have raised similar objections to efforts by the family of Martin Luther King Jr. to cash in on his legacy. Last year, the King family entered into a multimedia deal with Time Warner to market the words and image of Dr. King; the deal is projected to bring the estate $30 million to $50 million. Since the deal with Time Warner is to sell books, recordings, and CD-ROMs, it might be argued that commercialism in this case promotes, rather than restricts, public access. But the aggressive marketing of King's legacy has coincided with severe limits on scholarly access to the King Center's archive. The estate has also been unusually stringent about enforcing its licensing rights. It sued CBS for selling a videotape containing footage of King's "I Have a Dream" speech and *USA Today* for publishing the speech without paying a licensing fee.

Of course, many of the things that collectors crave have less to do with history than celebrity. The public domain is not diminished by the fact that someone paid a fortune for a presidential comb. Still, there is something distasteful about buying and selling the personal effects of public figures. Perhaps it is the prying, prurient interest that lies behind the desire to possess such things. A few months ago, in another hotly disputed auction, Mickey Mantle's former agent and companion, Greer Johnson, sought to sell a bounty of Mantle memorabilia, including a lock of the Yankee slugger's hair, his American Express card, bathrobe, jockstrap, worn socks, golf shoes, and four vials of prescription decongestant. Under threat of a lawsuit from Mantle's family, Johnson agreed to withdraw some personal items from the sale, including the prescription bottles. In another celebrity auction last year, collectors from around the world bid via satellite and telephone in a Tokyo-based auction of Beatles memorabilia. Paul McCartney won a court order blocking the sale of a handwritten draft of his song "Penny Lane," but his birth certificate (once sold by his stepmother for $14,613) went for $73,064.

The worship of celebrities—sports heroes, rock stars, and movie idols—is nothing new. But the frenzied drive

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to commodify celebrity, to buy it and possess it, has reached unprecedented intensity. For generations, children came early to the ballpark in hopes of meeting a player and getting his autograph. Today, the autograph market is a $500 million industry, with dealers paying players to sign thousands of items, which are sold through catalog companies, cable television channels, mail-order houses, and sports-memorabilia stores in shopping malls across the country. In 1992, Mantle earned a reported $2.75 million for autographs and appearances, more than he made during his entire playing career with the Yankees.

Ironically, the cultural icons whose images and belongings are in greatest demand today—JFK, Mickey Mantle, the Beatles, Martin Luther King Jr.—are figures from the 1960s, a more innocent, idealistic time. It was a time before the personal foibles of public figures were relentlessly exposed, a time before presidents spoke of their boxer shorts on television. Perhaps, in our market-crazed way, we are struggling vainly to buy our way back to a world where not everything was for sale or open to public view. •

WASHINGTON SCENE

MONICA SELLS

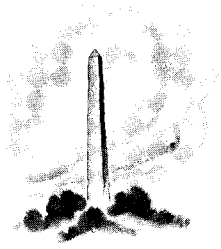
By Stephen Glass

It's been said that no previous White House perfected the art of rapid political response as well as President Clinton's has, so perhaps it was not surprising to find a Democratic loyalist camped out at this year's National Memorabilia Convention, held last weekend in Rockville, Maryland. With the Monica Lewinsky scandal nearly three months old, the novelty industry is well on its way to cashing in with a variety of knickknacks ranging from the silly (a computer game where players must guide Lewinsky from the Watergate to the Oval Office) to the salacious (an inflatable "Leaves of Grass"–reciting sex doll with the word INTERN stenciled across its chest).

Although a few of these goods are available already, the real onslaught won't begin until early summer—peak season for novelty sales—which means there's still time for Clinton supporters to minimize the public relations impact. In February, some Democratic fundraisers got together and helped create a new organization called Patriotic Profits. Its self-proclaimed purpose: to "uphold the esteem of the office of the presidency" by encouraging manufacturers not to put out such denigrating merchandise. "There is some fear here that a new fad glorifying [Lewinsky] could be born and heavily marketed," said P.J. Hozell, the organization's director. "Say it becomes like the Rubik's Cube; that would be bad for us."

Maybe so, but Patriotic Profits will have a hard time holding back this merchandising bonanza. As Hozell was explaining her strategy to me, she had to shout over the throngs of merchants chortling over an item on display in the very next booth: a talking figure called "Loving Lewinsky" that looks and works like a child's doll. (Pull the string, and it says, "I'm a good intern," "All hail to the chief," "I can fetch your mail," and "Whatever you want, Mr. President.") It was one of the more than 3,000 Monica-related items either on display or promised in catalogs at the convention. According to Clay Resin, a financial analyst who studies the collectibles markets, scandal-related novelty sales could top $80 million. "This is the biggest event ever to be sold in U.S. history," he explained to the convention-goers. If Resin is right, the Lewinsky scandal will sell more than five times the merchandise that the Gulf war did and 15 times Watergate.

Some of the wares on display were predictable, like the countless Lewinsky T-shirts and more than 70 varieties of berets (available in more than 30 colors). Some were more creative, like a "Naturally scary Linda Tripp" Halloween mask for adults and a Lewinsky microcassette recorder that attaches to any telephone. Still others came with their own add-on accessories. Users of the inflatable Monica sex toy, for example, can also purchase Lewinsky wigs (the new pageboy cut goes for $24 while the old do with bangs runs for $22) and different voices (it's $13 for the "hot-talk voice" and $15 for the "little-girl voice"). There are greeting cards for Christmas (a Lewinsky caricature chanting "Ho-Ho-Ho") and birthdays ("I'll blow out your candle!").



Hozell realizes the scandal is a kitsch-maker's dream; she says her organization merely hopes to nudge manufacturers, ever so slightly, in a more constructive direction. "We want them to make money; we understand that, so I am offering novelty designers profitable alternatives that validate the office of the presidency," she says.

Incredibly, she's had some success. Last month, fashion newsletters reported that at least seven companies, including the Gap, had considered postponing plans to feature berets in upcoming headwear lines. It turns out that Patriotic Profits had arranged for several prominent Democratic donors to call designers and sway them toward "fashion that affirms our nation's greatness." "You won't see any more berets than normal next year," Hozell beamed. "We are successful because our callers explain the sensitive nature of how fashion and politics intersect." Indeed, although the companies won't officially comment on whether Patriotic Profits influenced fashion decisions, one designer

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who received a call told me his firm was nervous about getting mixed up in politics in any way and decided the wisest course of action was to simply hold off introducing the line.

But it may be easier to win over skittish fashion houses than it will be to convince the P.T. Barnum-types who manufacture gags. Take Joel Carni, whose family business, Four Aces, is one of the nation's largest political novelty manufacturers. This summer, stores will be hit with Four Aces's newest product: the Monicondom. "It's thinner—specially designed for oral sex; when people often forget" to be safe, Carni said, boasting of its public health utility. "The Centers for Disease Control would be proud of this item." The cardboard box encourages users to put it on their "slick willy" and to "turn the White House scandal into a safe-sex public service."

Hozell insists Monicondoms could be just as profitable with some "tinkering." Her suggestions: change the flavors "beret berry" and "intern ice" to "berry good" and "interesting ice," and remove the word "slick willy" from the box and change the name to "My condoms." "None of these changes alters the meaning of the product, which is to prevent HIV transmission, something the White House is for," she earnestly explained. "But what they do is respect the presidency."

But Carni rejected those suggestions. "She doesn't get it. The whole point of a novelty is a gag," he added, clearly annoyed by the proximity of Patriotic Profits's booth to his. "The 'Star Spangled Banner' is not funny. The Pledge of Allegiance is not funny.... The president with an intern under the Oval Office desk. That's funny. We sell funny." •

LOS ANGELES DISPATCH

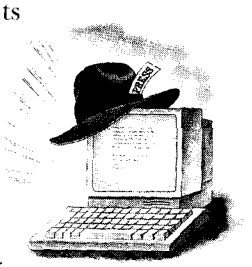
UNION BUST

By Harold Meyerson

Probably the greatest tribute to the achievements of John Sweeney is that, barely two years since he took the helm of the AFL-CIO, he has returned the labor movement to its historic place atop the Republican hit list. This year, beginning with the California primary on June 2, Republican-backed measures designed to cripple labor political action programs will appear on the ballot in four different states. With the assistance of Grover Norquist, a Gingrich fugleman who heads Americans for Tax Reform, the Republicans plan to introduce versions of what they term "paycheck protection" proposals in another two dozen state legislatures.

These proposals vary from state to state. In Oregon, the measure under consideration would flatly prohibit public employee unions from making political contributions. In California, Proposition 226, an initiative that appears on the June 2 ballot, would require unions to get yearly permission from each of their members to spend money for political purposes, which includes contributing to candidates or initiative campaigns, or waging independent expenditure campaigns on behalf of those candidates or initiatives. California Governor Pete Wilson has come forth to chair the campaign for Prop 226 in hopes of endearing himself to conservative activists whose support he needs for his pending presidential bid.

These campaigns are throwbacks to the late '50s, when, before God gave conservatives the New Left to run against, they campaigned against labor instead—and frequently lost. But, if unions were too powerful to beat in the late '50s, they soon became too weak to bother running against. In 1958, the movement that defeated a sweeping right-to-work measure in California represented over 40 percent of the state's workforce; today, it represents just 17 percent. Though several unions have begun hiring organizers in numbers not seen since John L. Lewis threw millions of dollars into building the CIO, labor has yet to arrest its numerical decline. It will take years to reconstruct a culture of organizing in a movement accustomed to devoting no more than three percent of its resources to growth.



Politics has been easier to turn around, however, and that's why labor suddenly has the GOP's attention. In 1993, during the last wheezing years of Lane Kirkland's presidency, labor could not stop the North American Free Trade Agreement, though economic anxiety was high and presumably friendly Democrats controlled Congress. Last year, by comparison, labor fought fast-track negotiating authority during a period of economic contentment and in a Republican-controlled Congress. But Sweeney's AFL-CIO had put money and organizers into the 1996 election on a scale beyond anything the Kirkland regime could ever imagine; it still had its organizers on the ground when fast track came up in Congress and labor prevailed.

Then again, it's easy to overstate labor's clout. For every dollar labor spends, business spends eleven, according to the Center for the Study of Responsive Politics. Granted, it's not hard to see what irks California Republicans about labor's role in California elections. In the weeks leading up to Election Day, it is labor, particularly the Teachers and the Service Employees (SEIU), that provides the last-minute cash infusions in swing districts. But the Republicans rely on their own collection of corporations, brokerage houses, and wealthy ideologues. (In 1996, they got a cool October million from Rupert Murdoch.) Take labor out of the Democratic equation, they reason, and the Murdochs of the world will go unanswered.

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Proposition 226 is intended to do just that. It is based on the all-but-unassailable appeal of individual rights: Why shouldn't members have the right to authorize their political expenditures each year? The amounts involved are so small as to be symbolic—members of the California Teachers' Association are assessed $32 a year, while SEIU members have $14 deducted from paychecks over the course of a year—but the principles seem axiomatic. Two successive Field Polls conducted this winter, before either side had begun to campaign, showed the measure with just over 70 percent support overall and exactly 70 percent support from union members. (A poll this week shows both overall and union support dropping to 60 percent.)

Labor has a principled response to all this. The work they do in politics, the unions could argue, has just as much importance for representing their members' work-related interests as the negotiations they conduct at the bargaining table. In varying degrees, the levels of wages, health benefits, and workplace-safety protections set in Sacramento or Washington can enhance, undercut, supplement, or undo the achievements of a union contract. Federal law already allows workers to request that unions return the portion of dues money that funds political activity if the members ask, and unions are required to notify members of that right. (Admittedly, many unions have been less than faithful in doing this, but that's an argument for better enforcement, not a different law.) The Christian Coalition and National Rifle Association don't ask prior permission on how to spend member dues. Why should unions be different?

There's also a more practical objection to the proposal: wherever something like it has already been enacted, it has changed the political culture—and not in a way that benefits union members. In Washington State, voters passed a 226-like measure in 1992. Soon thereafter, the political contributions of the Washington Education Association fell by 80 percent and those of AFL-CIO unions by 40 percent. Depending on whom you ask, this means either that union members really don't want to have dues spent on politics or that unions haven't done a good job explaining to members why political expenditures are important. In 1994, the radical right captured the legislature and sent a gaggle of movement conservatives to Congress.

But labor is not likely to argue first principles or secondary consequences, much to the dismay of some California labor leaders. "This campaign doesn't have a vision," says one. "This is an assault on our reason for being; they should be asking, what would California be like without unions? Instead, what they've done is poll, poll, poll, in search of some clever idea to turn people's heads. And there isn't one." But, while a senior AFL-CIO official acknowledges that "we've been running a full employment program for pollsters," he takes issue with that last assertion. Union members, he argues, are indeed receptive to the idea that 226 would silence their collective voice. And, as for the vast majority of Californians who are not union members, he adds, the fully employed pollsters have concluded "there will be dramatic movement our way" when voters find out who's behind the proposition.

Indeed, the 226 donor list includes not just Norquist's Americans for Tax Reform and Indiana insurance magnate J. Patrick Rooney—a leading Gingrich donor and conservative activist—but Guess? and the Gap's CEO Donald Fisher. This should allow unions to raise such issues as job flight to ports of low-wage labor and the return of the sweatshop economy to the alleys of San Francisco and Los Angeles. In a state where voters overwhelmingly supported an initiative for a higher minimum wage, and where cities have enacted living-wage ordinances for low-wage workers, linking 226 to the nouveau sweatshoppers may offer unions their best shot.

At a national executive council meeting in Las Vegas last week, the AFL-CIO settled on a $12.5 million budget for the campaign—$4.5 million to come from a special federation assessment on member unions, the rest from state and national unions with particularly heavy stakes in its outcome. Almost every Democratic elected official in the state, Old Dem and New, will enlist as well. The Democrats cannot hold the legislature if labor is off the playing field, which is why Assembly Speaker Antonio Villaraigosa told Sweeney last week that every Democratic legislative staffer would be asked to donate evenings and weekends to the campaign—common practice in the run-up to a November legislative election but virtually unheard of for an initiative campaign.

Among the proponents, Norquist has pledged to come up with $10 million for the nationwide effort, with Wilson trying to raise money from California business (much of which would rather not antagonize labor by chipping in). In these endeavors, the Republicans have a strategic purpose beyond simply crippling labor. If they can recapture one or both houses of the State Legislature, and help Attorney General Dan Lungren become governor, it will give them much more control over reapportionment after the 2000 census. Control of the California congressional delegation, which will have something like 55 members in the next decade, will be key to their continued control of the House.

There's a decennial tradition in California of campaigns that seem to be about public policy questions but in reality are about reapportionment. During the '80s, Republicans persuaded voters to oust state Chief Justice Rose Bird and two associate justices, ostensibly because the GOP wanted the capital punishment laws enforced; the unstated intent was to place yet another branch of government, before which any reapportionment plan would have to pass muster, under Republican control. In much the same spirit, the paychecks that the paycheck protection initiative are most intended to protect are those of the Republican staffers on Capitol Hill.

Finally, going after labor in California enables the Republicans to battle quietly an emerging constituency they can no longer attack directly: Latinos. Beginning in 1996, the Latino backlash against the Republicans—against Wilson's support for Proposition 187 and Congress's support for the anti-immigrant provisions in the

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A Message from Negative Population Growth, Inc.

Why We Need A Smaller U.S. Population And How We Can Achieve It

We need a smaller population in order to halt the destruction of our environment, and to create an economy that will be **sustainable** over the very long term.

We are trying to address our steadily worsening environmental problems without coming to grips with their root cause -- overpopulation.

If present immigration and fertility rates continue, our population, now over 269 million, will pass 400 million by the year 2050 -- and still be growing rapidly!

All efforts to save our environment will ultimately be futile unless we not only halt U.S. population growth, but reverse it, so that our population can eventually be stabilized at a **sustainable** level -- far lower than it is today.

The Optimum U.S. Population Size

The central issue is surely this: **At what size should we seek to stabilize U.S. population?** Unless we know in what direction we should be headed, how can we possibly devise sensible policies to get us there?

The size at which our population is eventually stabilized is supremely important because of the effect of sheer numbers of people on such vitally important national goals as a healthy environment, and a sustainable economy.

We believe these goals can best be achieved with a U.S. population in the range of 125 to 150 million, or about its size in the 1940s. This optimum size could be reached in about three to four generations if we do two things now that are well within our grasp.

How To Get There

1. **Halt illegal immigration and reduce annual legal immigration to not more than 100,000, including all relatives, refugees and asylees.** Then, immigration will no longer contribute significantly to our population growth, as it does now.

2. **Lower our fertility rate** (the average number of children per woman) from the present 2.1 to around 1.5 and maintain it at that level for several decades. We believe that non-coercive financial incentives will be necessary in order to reach that goal.

If almost all women had no more than two children, our fertility rate would drop to around 1.5, because many women remain childless by choice, or choose to have not more than one child. **We promote the ideal of the two-child maximum family as the social norm, because that is the key to lowering our fertility.**

Incentives to Lower Fertility

NPG proposes these incentives to motivate parents to have no more than two children:

- Eliminate the present Federal income tax exemption for dependent children born after a specified date.
- Give a Federal income tax credit **only** to those parents who have not more than two children. Those with three or more would lose the credit entirely.
- Give an annual cash grant to parents who pay little or no income tax, and who have no more than two children. Those with three or more children would lose the cash grant entirely.

Two Vastly Different Paths Lie Before Us

With the reductions in immigration and fertility we advocate, our nation could start **now** on the path toward a sustainable, and prosperous, population of 125 to 150 million.

Without such a program, we are almost certain to continue our mindless, headlong rush down our current path. That path is leading us straight toward catastrophic population levels that can only devastate our environment, and produce universal poverty in a crowded, polluted nation.

If you agree that we need to work toward a smaller U.S. population, we need your support. **NPG is the only organization that calls for a smaller U.S. and world population, and for specific, realistic measures to achieve those goals.**

We are a nonprofit, national membership organization established in 1972. Contributions to NPG are tax deductible to the extent allowed by law. To become a member, and receive our newsletter, plus all our current and future publications, please send us your check today.

YES! I want to become a member of NPG, and help reduce U.S. immigration to a level compatible with our national interest. I am enclosing my check for annual membership dues.

____$30 ____$50 ____$100 ____Other

Name _____

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City _____ State ____ Zip _____

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welfare bill—has been intense. Labor, through its naturalization programs and get-out-the-vote drives, has translated that anger into clout at the polls. Much as all those CIO organizers registered Southern and Eastern European immigrants in 1936, thereby turning Pennsylvania and the industrial Midwest into Democratic terrain, the new organizers of California are bringing the third wave of immigrants into the political process.

Indeed, since new leaders took control of both the California and the L.A. County labor federations in 1996, the very nature of California labor political campaigns has changed. The big money still flows to the swing districts in the last critical weeks but, for the first time since 1958, so do thousands of union activists. The districts that swung Democratic in 1996 were flooded by union precinct walkers targeting union voters, first-time voters, and immigrant voters. (Increasingly, of course, union members are immigrants.) In California today, unions are the linchpin of a vast project of political acculturation. That is yet another reason why the Republicans are going after them, 1950s style, and another reason why the unions hope against the odds that they may survive this attack as they survived the one four decades ago.

HAROLD MEYERSON is executive editor of *L.A. Weekly* and a member of the editorial board of *Dissent.*

Why Clinton deserves executive privilege.

UNDERPRIVILEGED

By Jeffrey Rosen

President Clinton inspired dark comparisons to Watergate last week when he invoked executive privilege to prevent his aides from testifying before Kenneth Starr's grand jury. His critics are treating the president's claim as proof that he has something to hide. "Not since Richard Nixon tried to withhold incriminating taped evidence—and was forced by the unanimous Supreme Court to respond to the subpoena of a grand jury—has a president presumed to wrap personal wrongdoing in the cloak of official business," William Safire thundered. But, in fact, many of Clinton's arguments about executive privilege are legally uncontroversial: the president's critics have misunderstood *U.S.* v. *Nixon* and other relevant cases. And, far from arguing for special treatment, Clinton is seeking precisely the same privacy for executive branch deliberations that Congress and the courts necessarily take for granted.

To appreciate the constitutional stakes, try to imagine how difficult it is to conduct the daily business of the presidency under constant threat of subpoena. The conversations and e-mails of White House aides have been subpoenaed not only by Starr but also by Larry Klayman, the conservative lawyer who represents former Bush administration aides who allege their privacy was invaded when their FBI files were misused. (Paul Begala, for example, reportedly earned his subpoena by joking during a speech in Miami in February that "there are good Republicans out there, which is not something I would have known from reading their FBI files.") One Clinton aide described the current atmosphere in the White House as a "cone of totalitarianism" in which trusted friends suddenly find themselves breaking off conversations for fear of being called to testify. In thinking about executive privilege, therefore, it's helpful to ask whether you think the secrecy of any administration's deliberations should be invaded not only by an independent counsel but also by private litigants or state prosecutors.

In resisting Starr's subpoenas, White House lawyers have invoked the presidential-communications privilege upheld last year by Judge Patricia Wald of the U.S. Court of Appeals for the D.C. Circuit. During a grand jury investigation of former Secretary of Agriculture Michael Espy, his zealous independent counsel, Donald Smaltz, issued a subpoena for documents pertaining to the White House's internal investigation of Espy. Judge Wald held that the deliberative privilege extended to communications between presidential advisers who were preparing official advice for the president relating to his "quintessential and non-delegable presidential power." To overcome the privilege, Wald held, a prosecutor would have to show that the evidence he sought was "important to the ongoing grand jury investigation and . . . not available from any other source."

Judge Wald's decision was hardly radical. The deliberative privilege she upheld was no broader than that routinely claimed by bureaucrats in administrative agencies. If independent counsels (or state prosecutors or private citizens) were allowed to subpoena evidence uncovered in internal White House investigations, presidents would be less likely to conduct their own investigations in the first place. This would amount to an intrusion by an independent counsel on the core internal functions of the executive branch—precisely what the Supreme Court promised wouldn't happen when it upheld the independent counsel law in 1988.

But the presidential-communications privilege may be too thin to protect the White House from all of Starr's subpoenas. Starr will argue that whatever transpired between Clinton and Monica Lewinsky wasn't an exercise of "non-delegable presidential power." (Imagine delegating *that.*) In any event, why should Starr be able to subpoena the private conversations of White House aides simply by establishing that the conversations are "important" to his investigation? Opponents of executive privilege point to *U.S.* v. *Nixon,* in which the Supreme Court rejected President Nixon's attempt to withhold tapes from the Watergate grand jury. The Court stressed that executive privilege claims were strongest in cases involving "military, diplomatic, or

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sensitive national security secrets," and, because the Lewinsky affair doesn't concern national security, the argument goes, Starr should be able to subpoena whatever he pleases.

But this misunderstands the *Nixon* decision. The *Nixon* Court had, under seal, evidence that a grand jury had named the president as an unindicted co-conspirator in the Watergate affair after concluding that he had used the Oval Office as the hub of an ongoing conspiracy to obstruct justice. Just as the attorney-client privilege yields when there is independent evidence that a crime or fraud has been committed, and just as the secrecy of the jury room can be pierced when there is independent evidence that a juror has been bribed, so it was reasonable for the *Nixon* Court to hold that a special prosecutor could demand the tapes *after* he had convinced a grand jury that there was probable cause to believe that the president was a crook.

By the logic of the *Nixon* case, Starr shouldn't be able to intrude on the private communications of White House aides until *after* he has convinced a grand jury that there is probable cause the president obstructed justice in the Lewinsky affair. And, even then, he would need probable cause to believe that the disputed conversations were themselves part of the criminal conspiracy and that Bruce Lindsey and Sidney Blumenthal were themselves co-conspirators.

The grand jury, in other words, shouldn't be used as an information-gathering device when the presidency is concerned: the Constitution assigns that task not to unelected prosecutors but to elected representatives acting through the impeachment process. The impeachment power is the constitutional embodiment of the crime and fraud exception to executive privilege: whenever Congress believes that executive officers may be guilty of high crimes or misdemeanors, it has sweeping powers to investigate. If the president refuses to hand over evidence to an impeachment hearing, that itself would be grounds for impeachment. (William Safire confuses this possibility with Clinton's efforts to resist an ordinary congressional subpoena issued by the campaign finance investigators.) But, unlike independent counsels, state prosecutors, and private parties, who can wield the subpoena power without being held politically accountable, Congress will have to pay a political price if it uses the impeachment power to intrude on the president's privacy in a way that offends the people of the United States.

Except in the course of an impeachment hearing, the internal deliberations of each branch should be presumptively shielded from the prying invasions of the other two branches. The Constitution protects the sanctity of the Senate and House cloakrooms. ("[F]or any Speech or Debate in either House," Senators and Representatives "shall not be questioned in any other Place.") There's also a presumptive privilege for jurors' conversations in the jury room and for judges' conversations with law clerks. Indeed, for a dramatic illustration of how judges react when *their* private deliberations are invaded, recall the Supreme Court's enraged response to the opening of the Thurgood Marshall papers. Only in a hyperlegalistic age, in which judges and lawyers have become dangerously full of themselves, would courts presume to deny the executive the same confidentiality they claim for themselves.

Before Watergate, of course, courts knew better than to intrude on the private deliberations of the president, because the president would cheerfully ignore them. The first and most relevant case about executive privilege, Akhil Amar of Yale Law School notes, is *Marbury* v. *Madison*. Because the case fell under the original jurisdiction of the Court, the justices had to act like jurors, finding facts and summoning witnesses to determine what happened to William Marbury's commission as a federal justice of the peace and whether or not the document had been signed by President Adams before his term expired. In an obscure part of the opinion, President Jefferson's attorney general, Levi Lincoln, was summoned before the Court, but he objected to answering certain questions on the grounds of executive privilege. Lincoln insisted "that he was not bound, and ought not to answer, as to any facts which came officially to his knowledge while acting as" a Cabinet officer.

The *Marbury* Court was sympathetic to Lincoln's claim of executive privilege but decided that it didn't apply in Marbury's case. "[I]f he thought that anything was communicated to him in confidence he was not bound to disclose it," the justices agreed, but "the fact whether such commissions had been in the office or not, could not be a confidential fact; it is a fact which all the world have a right to know." By contrast, the justices held that Lincoln didn't have to answer a question about the physical disposition of the document after it was signed. In other words, Lincoln had to answer questions about public facts that he learned in his ministerial capacity, as an independent officer of the United States, but not about any private facts that he learned in his confidential capacity as "an agent of the president, bound to obey his orders, and accountable to him for his conduct." By the logic of *Marbury*, then, Bruce Lindsey might have to answer questions about whether or not Kathleen Willey had been given an administration job, but not about the reasons she got the appointment.

Some of Clinton's executive privilege claims are more legally adventurous than others. He has asserted, for example, that Sidney Blumenthal's conversations with Hillary Clinton should be shielded, although Mrs. Clinton's legal status is not entirely clear. (Between the attorney-client privilege, presidential-communications privilege, and spousal privilege, she should keep the courts busy for a while.) Moreover, Starr's prosecutors will try to argue that conversations about Clinton's private misdeeds as opposed to his public duties should not be privileged. But the Lewinsky affair, although its genesis was private, has exploded into a serious dispute about the

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separation of powers, and Sidney Blumenthal and Paul Begala should be able to have confidential discussions with each other about how to advise the president on the legal and political consequences of Starr's investigation.

It's true, as John Yoo of the University of California at Berkeley Law School has noted, that President Clinton has claimed privilege to withhold information from courts and Congress six times—as often as Ford, Carter, Reagan, and Bush combined. But it's also true that the administration has been sued and subpoenaed by public and private opponents more relentlessly, and more frivolously, than its predecessors. At every stage in the endless legal battles, sanctimonious editorialists have insisted that the president shouldn't be "above the law," and, in its simple-minded opinion in *Clinton* v. *Jones*, the Supreme Court agreed. But the question in the current battles about presidential privilege is whether the executive branch will have precisely the same breathing room for internal deliberations that judges and congressmen demand for themselves. This is ultimately a question about democracy, not special privileges, and, if Judge Norma Holloway Johnson of the U.S. District Court in Washington fails to grasp the constitutional stakes, the administration should, without apologies, appeal. •

America is pro-immigration after all.

THE OPEN SOCIETY

By Peter H. Schuck

To hear many immigration advocates tell it, Americans in the 1990s have slammed the golden door shut in a fit of xenophobic hysteria, bolting it against newcomers and expelling lots of law-abiding, long-resident aliens. Pro-immigrant academics have just published a book ominously titled *Immigrants Out!: The New Nativism and the Anti-Immigrant Impulse in the United States.* Ethnic advocacy groups like the Mexican American Legal Defense and Education Fund depict U.S. immigration policy as nativist and brutal. Amnesty International lumps an attack on American policies together with its critique of dictatorships. Hardly a week goes by without a genuinely heart-rending column by Anthony Lewis of *The New York Times* about the pending deportation of an immigrant who committed some minor crime in his youth.

Is this an accurate picture? Restrictionists have certainly beaten the drums lately. California voters passed Proposition 187 in 1994, and Pat Buchanan campaigned on a nativist platform in 1996. Some recent changes in immigration law do pose real threats to the procedural rights of foreign-born persons in the United States. What's more, federal immigration policies often seem self-contradictory. Congress has amnestied millions of illegal aliens, but it has also enlarged the Border Patrol to the point where it is now the government's largest domestic uniformed service. Congress regularly bashes the Immigration and Naturalization Service's incompetence, but it has doubled the agency's budget over the last four years.

The larger truth is that, even after the recent changes by Congress, American immigration policy is more generous, less racist, and (if we are careful) more politically sustainable than ever before. In 1996, the same year Congress made it easier to deport illegal aliens quickly and without court review and ended public benefits for many legal immigrants, it also admitted a cohort of 916,000 legal immigrants that was the largest and most ethnically diverse since 1914. This at a time when Europe accepts few immigrants and even fewer nonwhites (except refugees). Congress also refused to lower future quotas and facilitated the legalization of over 400,000 currently undocumented aliens. (By contrast, the United States admitted 300,000 immigrants in 1965, the great bulk of them European or Canadian whites.)

How can this be when recent immigration trends have presented restrictionists with explosive political ammunition? The vast majority of today's legal immigrants are nonwhite and non-English-speaking; many come here with few job skills. Their presence makes bilingual education a major curricular and fiscal battleground and sharpens the affirmative action debate as newcomers who never suffered discrimination in the U.S. compete for preferences with the descendants of African Americans who were slaves. Immigration probably accounts for a significant share of the wider wage gap between high- and low-skill workers, especially blacks. The illegal alien population is already at record levels and grows by a quarter of a million each year. Federal indictments

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allege the falsification of over 13,000 naturalization exams. The General Accounting Office reports that taxpayers bear significant costs because U.S.-born children of illegal aliens are automatic citizens entitled to welfare benefits.

Yet, while Americans are frequently depicted as anti-immigrant, they actually hold nuanced views. Most people want to admit fewer immigrants, oppose illegal immigration, and don't want immigrants to receive bilingual education, affirmative action, or welfare. (As it happens, most immigrants hold similar views.) But, at the same time, Americans also treasure this country's ethnic diversity and immigrant tradition (which means honoring our own ancestors). Generally, Americans admire the immigrants they know personally.

In policy terms, this means that Americans will tolerate relatively high levels of immigration, and even increases in certain categories, as long as they are satisfied that newcomers pay their own way, don't get special breaks, and obey the law. And the policies enacted by the Congress in 1996 and 1997 are largely consistent with this. Congress has tempered the high annual quota of legal immigrants set in the liberal 1990 immigration law with strong measures to exclude illegal aliens, deport criminals, reduce aliens' access to welfare, and limit their procedural rights. This is a hard balance to strike, and there have been some harsh, unjust, and downright foolish excesses. But it's absurd to speak of "a new nativism."

The most extreme of the new laws is the Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA), which was passed in reaction to the Oklahoma City bombing. It mandated swift detention and removal of criminal and illegal aliens and secret deportation tribunals for those who could be linked, perhaps tenuously, to foreign terrorist groups. It also cut back traditional hardship waivers and appeal rights for certain categories of aliens and made many of these changes retroactive.

Yet even these often arbitrary provisions do not violate the basic American consensus on immigration. They were anti-criminal in both intent and implementation, not anti-immigrant. They did not aim at legal aliens other than convicted felons and suspected terrorists.

The same is true of welfare reform. Although it made legal aliens ineligible for public assistance, it also cut off millions of *citizens*. Many voters objected to benefits for aliens not out of anti-immigrant animus but because immigrants arrived under the explicit proviso that they have jobs or citizen sponsors. It is not nativist or anti-immigrant to believe that poor citizens have a stronger claim to shrinking resources than immigrants who have been admitted on the condition that they not become "public charges." Though some immigration advocates will never be satisfied with it, the fact is that the savings generated by this compromise helped preserve benefits for destitute U.S. citizens.

Even so, Congress and the Clinton administration recently restored many of the lost benefits to those who had been eligible in 1996 and to the newly disabled, and Clinton vows to restore Food Stamps to immigrant families with children. Meanwhile, high-immigration states have filled some of the remaining gap with their own funds. These changes refute those who claimed that immigrants are so politically friendless that the states, in a headlong "race to the bottom," would cut immigrants' benefits even more in an effort to force them out the door.

This brings us to the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Here, the critics of the new laws are on firmer ground. Passed by Congress and signed by President Clinton just before the November 1996 election, IIRIRA is the most radical reform of immigration law in decades—or perhaps ever. It thoroughly revamps the enforcement process and extends AEDPA in ways that even many INS officials find arbitrary, unfair, and unadministrable. For example, it requires the INS to exclude aliens at the border summarily and without judicial review if they seem to lack proper documentation. This gives the lowliest inspector broad discretion, and practically final say, over such life-and-death issues as whether an asylum claimant faces persecution back home. (Since the INS had recently instituted reforms in the asylum process, this hasty change may have been unnecessary as well as unwise.)

IIRIRA bars the INS from granting discretionary relief from deportation to many aliens, even for compelling humanitarian reasons, as the previous law permitted. It mandates detention of many removable aliens—perhaps forever if they come from a country, like Vietnam, that won't take them back. It equates the rights of aliens who entered illegally and live in the U.S. with those of aliens with no ties here. It limits the rights of illegal aliens to reenter legally. It further expands the category of "aggravated felon" aliens who can be deported summarily even if they have been long-term residents of the country. And it bars judicial review of INS administrative decisions to deport them. (The definition of "aggravated felony" was expanded to include even fare-beating on the New York subway system).

To be sure, Congress was properly concerned about the endless procedural delays illegal aliens (or their lawyers) have employed to prolong their stays while they work and search for a way to remain permanently. But fair, accurate adjudication, backstopped by access to the federal courts for those at risk of deportation, is essential not only to aliens but also to the many Americans with strong family, employment, religious, and social ties to them. These high stakes, along with a long history of INS lawlessness and incompetence, make judicially protected due process all the more necessary.

Indeed, the Constitution demands it, providing that the "Great Writ" of habeas corpus may not be suspended except in national emergencies. Congress has also protected this right statutorily since 1789, and aliens have long used it to challenge the legality of detentions and deportations. Federal courts have so far interpreted IIRIRA narrowly to maintain judicial review for aliens in INS custody; otherwise, the law would be unconstitutional. (No relevant IIRIRA or AEDPA case has yet reached

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the Supreme Court.) Ironically, IIRIRA may increase courts' intrusion as they seek to control more of the frequent INS abuses that the new law encourages.

Still, IIRIRA's excesses should not obscure a fundamental fact about immigration politics: challenges to the high legal-immigration levels set in the 1990 law, such as a proposal by a national commission to reduce them by more than a third, have all failed. Tough on illegals and criminals, and arbitrary toward asylum-seekers and deportation hardship cases, IIRIRA's only serious effect on law-abiding immigrants was to raise sponsors' income requirements.

Perhaps the best evidence of the strength of today's pro-immigration consensus lies in Congress's treatment of *illegals*. Last fall, Congress granted a new amnesty, modeled on the 1986 provision that legalized some 2.7 million undocumented aliens (mostly Mexicans). The new law will protect almost half a million Central Americans who are now in legal limbo. (If President Clinton has his way, thousands of Haitians will soon join them.) It also grandfathered in still other deportable aliens under a now-lapsed rule allowing them to gain permanent residence simply by paying a $1,000 fee and filing for their green cards in the United States.

Even convicted *criminal* aliens enjoy a perverse kind of protection. They manage to remain in the U.S. in large numbers—even when they are already under lock and key and thus should be easy to deport. Though aliens in general are apparently less crime-prone than citizens, the criminal alien population has nevertheless soared. In 1980, fewer than 1,000 federal inmates were foreign-born, 3.6 percent of the total. By 1996, that number had grown to almost 31,000 (29 percent of the total). The foreign-born population in state prisons has risen from 8,000 in 1980 (2.6 percent) to 77,000 (7.6 percent) in 1996. Nationwide, 300,000 or more deportable criminal aliens are in custody or under other legal supervision, at an estimated cost of $6 billion a year. Despite a high-priority INS effort, only 50,000 of these criminals—fewer than 15 percent of the total—were shipped home last year. The real scandal is that this is actually a major *improvement* in the INS's performance.

The pro-legal-immigration consensus that has produced these policies seems likely to endure even if the economy falters. In addition to the continuing strength of the lobbying coalition—made up of ethnic organizations, business, human rights groups, and big agriculture—that helped pass the 1990 law, perhaps the most important reason for this is the split within the Republican Party. In 1994, the Republicans displayed little interest in a balanced approach to immigration. That year, Pete Wilson, the Republican governor of California, had made Prop 187, which proposed to bar illegal aliens from public schools and other state-funded social services, a central motif of his successful reelection bid—and of what was then a prospective presidential run. Although Prop 187 was aimed at illegal aliens, not legal ones, its proponents' coded language (illegals "flooding" the state) helped blur the distinction. Prop 187 was supported not only by a majority of white, black, and Asian voters but also by many Latinos who resented having to compete with illegals for jobs, housing, and public services. Politicians in other states, emboldened by Prop 187's success, jumped on the bandwagon. On the Hill, Republican Representative Lamar Smith of Texas, the chairman of the House immigration subcommittee, held hearings on proposals to cut back on admissions and even end birthright citizenship for the U.S.-born children of illegal aliens.

In hindsight, however, the passage of Prop 187 was the high-water mark of restrictionism. Similar proposals got nowhere in other states. (Even in California, a federal court promptly blocked Prop 187's implementation, and it remains a dead letter.) Leading Republican politicians realized that, while it is good politics to attack undocumented and criminal aliens, it is politically costly to cut back on legal immigrants who enrich the economy or to deny them public benefits that their taxes support. Cheered on by *The Wall Street Journal* editorial page, Newt Gringrich, Dick Armey, Jack Kemp, William Bennett, William Kristol, and other party strategists argue that restrictionism violated party principles of free markets, economic growth, entrepreneurialism, and social optimism. In contrast to Wilson, Governor George W. Bush praises Texas's many immigrants as economic assets. The Republican chairman of the Senate immigration subcommittee, Spencer Abraham, is now seeking to increase the quota for high-skill immigrants, as is House subcommittee chairman Smith.

These Republicans understand that many legal immigrants will soon become voters and that their friends and relatives already are. They know that in Los Angeles, New York, and other big cities successful Republican politicians are appealing to first- and second-generation Asians and Hispanics. The social conservatism, upward mobility, and entrepreneurial spirit of many immigrants may make them natural Republican voters in the future. Many of the party's corporate allies, especially high-tech companies that depend on skilled foreign-born workers, are pressing Congress to admit more of them.

This feisty Republican debate augurs well for the high-immigration status quo. As the majority party in Congress, the Republican Party is the arena in which American ambivalences over immigration policy are being debated and politically resolved. The results have been good, bad, and sometimes ugly. But even liberal groups exhibit this ambivalence, as evidenced by the fight within the Sierra Club and labor unions over whether or not to support restriction. For advocates of moderate legal immigration expansion (I am one), the best way to sustain the pro-immigration consensus is not to idealize all immigrants as ethnic Horatio Algers but to attend to legitimate concerns about criminal and undocumented aliens, naturalization fraud, welfare abuse, bilingual education, affirmative action, and unfair competition for low-income domestic workers. We should decry the new laws' excesses while celebrating Americans' openness to self-supporting, law-abiding newcomers. And we should stop crying wolf about nativism. •

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Sandy Berger's sunny foreign policy.

MR. NICE GUY

By Jacob Heilbrunn

Perhaps the most striking thing about national security adviser Samuel "Sandy" Berger is how different he is from his predecessor, Anthony Lake. In his tweed jacket and brown shoes, Lake looked as though he had never quite made it out of academia. There was something both endearing and a little nerve-racking about the way he would perch on the edge of his chair, lecturing about some abstruse point of international theory. Berger, by contrast, is all business. For our recent meeting, he wore a dark blue suit, starched white shirt, and muted paisley tie. Striding in stiffly, he looked me straight in the eye and enclosed my hand in a warm, viselike Washington power shake.

Berger may lack the academic aura of Lake or the glittering public profile of Secretary of State Madeleine Albright, but he has quietly made himself the vicar of the second-term foreign policy. "He is chief coordinator and adviser to the president ... the glue that holds the foreign policy team together," says a former senior administration official. "He is very much a quarterback calling a lot of the plays and sending people charging off to set policy," says a member of Berger's team.

Despite the widespread belief that this foreign policy is ad hoc and lacks a vision, the strategy Berger has fashioned for the administration is actually coherent. Its focus is on creating a new global community that binds nations into a web of economic interests, military institutions, and political organizations. Call it Sandy Berger's seduction theory. This theory holds that the old order has passed and traditional security concerns have given way to a world in which countries have more to gain from cooperation than from confrontation. Economic modernization leads ineluctably to political freedom; the zero-sum game of realpolitik can give way to win-win Geldpolitik. It is geopolitics by way of geoeconomics.

This is the vision that has prompted the administration to expand NATO eastward while cultivating ties with Russia, to sign a new defense treaty with Japan while seeking out summits and declarations with China, and to support Israel while also pushing for a Middle East peace deal that will mollify the Palestinians and the Arab states. Ambitious as it is, this strategy suffers from the same problem most academic theories of foreign policy face: it bears a tenuous relation to reality. When Henry Kissinger attempted to implement his realist theory of a world parceled out into spheres of influence, he ran up against the refusal of the Soviet Union to conform to his tidy plan. Something similar has happened to the Clinton administration's idealist plan for using world trade to bring world peace. When the world's miscreants refuse to play by the rules of the administration's game—when China or Russia sends weapons to Iran or Iraq, Saddam kicks out United Nations inspectors, or Slobodan Milosevic storms Kosovo—the administration needs to threaten force, even though its whole foreign policy is premised on the concept that force is largely an obsolescent factor in world politics.

And so the stubborn relevance of force has prompted the Clintonites to come up with a second, supplementary foreign policy vision, one that might seem to contradict the first. Ever since the Haiti crisis, the administration has become increasingly enamored of "diplomacy backed by force"—the threat of force, as opposed to its actual use. Hence the seeming incoherence.

But, for all its apparent contradictions, Berger's foreign policy seems a natural choice for the baby-boomer Clinton administration. Berger is representative of a generation that, in the 1960s, already viewed the cold war as an anachronistic sideshow. The real challenge, this generation believed, was for the United States to come to terms with a multipolar world in which the rise of such countries as China meant that the old security threats were rapidly becoming obsolete. The newly independent African countries, Cuba, and Vietnam were supposed to represent the wave of the future. The United States was on the wrong side of history. Couple these beliefs with Berger's years as an international trade lawyer who did extensive work for Japanese interests, and you wind up with someone who believes that a deal can always be cut. Just as Berger's management skills have allowed him to shape the foreign policy team into a far more disciplined unit than the first-term version, so he seeks to cajole and persuade China, Russia, North Korea, and various African despots into becoming responsible members of the world community.

Though Berger has been a member of the Washington elite most of his professional life, he was not born to privilege and power. He climbed into the social elite through affability and sheer grit. Raised in the 1950s in

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Millerton, a small upstate New York town, Berger says he was greatly influenced by his mother—a young widow who struggled to run the town's Army-Navy surplus store. John F. Kennedy was another early hero. Berger credits the two of them with inspiring him to become a Democrat—one of only "two in my town."

Education was the ticket out of Millerton, and Berger headed to Cornell University. There, his likable personality made him a big man on campus. Fraternities were a big deal at Cornell, and Berger became the head of the interfraternity council. He used his post to prod his classmates into a greater awareness of the need for civil rights. Once, after reading a newspaper story about a group of black schoolkids who had created a black history project that no one had come to see, Berger persuaded the college president to fly the children and their project to Cornell. "These kids had never been out of Brooklyn, never seen anything," Berger recalls. "We displayed their art at the student union. It was good for predominantly white upper-class" youths to see that. To the discomfiture of the administration, Berger also sponsored a "soul awareness week" featuring a series of speakers "culminating in Stokely Carmichael."

Yet it was study, not extracurricular activities, that decisively shaped Berger. He was particularly influenced by three professors: Walter LeFeber, George McTurnan Kahin, and Andrew Hacker—the last his thesis supervisor. Berger's Cornell mentors believed that a decrepit, grasping America was to blame for the cold war. LaFeber is probably the foremost student of the founding father of American revisionism, William Appleman Williams. Revisionists tackled what they saw as the "court historians" who had depicted the United States as defending democracy and the Kremlin as the aggressor in the cold war. Following Williams, LaFeber taught Berger and his other students that America's insatiable need for export markets in Europe and Asia had antagonized and frightened Stalin, thereby triggering the cold war. Hacker took this gloomy view of America even further, writing in 1968 that, as a result of its hubris, "America's terminal hour has arrived."

But Kahin was perhaps the most provocative member of this group. As director of Cornell's Southeast Asia program, Kahin (together with John Wilson Lewis) wrote the bible of the anti-war movement, *The United States in Vietnam*. Kahin and Lewis depicted the North Vietnamese as nationalists rather than Communists, denied that they had committed atrocities, and praised ruthless collectivization policies as a "more moderate system" of agrarian reform that "helped win back the peasants' allegiance to the central government." A number of Kahin's students, such as Gareth D. Porter, went on to use similar arguments to defend the Khmer Rouge, leading Stephen J. Morris to conclude in the summer 1989 *National Interest* that, "since the mid-1960s, the Cornell Southeast Asia program has been a comfortable milieu for those fond of totalitarian dictatorship."

As a student in what he still recalls as an "enormously vibrant" environment, Berger was riveted. "Kahin's course on Vietnam . . . had a profound effect on me," he explains, suddenly growing animated. "My conviction that the war was a mistake derives very directly from that course." The lesson that Berger and his classmates drew was that the United States was alienating potentially friendly nations and revolutionary movements when it should have been engaging in mutual trade with them regardless of their internal politics. Berger's approach toward China, Russia, and Iraq today bears traces of that worldview. Of course, the notion that Ho Chi Minh was a harmless nationalist is nonsense. This does not mean that the United States should have been fighting in Vietnam. But neither does opposition to the war justify Kahin's and others' depiction of the Communists as misunderstood idealists.

While the Cornell professors may have viewed America with despair, they belonged to an older generation. Their views always carried an air of detached objectivity. So did Berger's. There were some people, he explains, "who organized outside the system, [but] there were some of us who felt more comfortable trying to do that from the inside." Berger's moderation made him stand out at Harvard Law School, which he entered in 1967 after a brief stint as an aide to New York Representative Joseph Resnick. "The average student might be marching about the war," recalls Allen Snyder, a fellow classmate and later a partner at Berger's law firm, but "Sandy was interested in policy issues. . . . He looked for ways to accomplish a goal that had more immediate prospects than just sort of demonstrating one's anger." One of the ways Berger did that was to help Resnick investigate how the American Farm Bureau undermined the family farmer; this research became the basis for Berger's only published book, a beautifully written exposé called *Dollar Harvest.*

As at Cornell, Berger was a legendary schmoozer at Harvard Law. "It wasn't like Clinton in utero saying, 'I want to be president,'" remembers Mark Green, a classmate who is now running for the Senate in New York. "Sandy did not say, 'I want to be NSC adviser.'" But "he was the Sara Lee of our class. Nobody didn't like Sandy Berger."

Berger was at Harvard during the most dramatic year of 1960s upheaval: 1968. "It was a traumatizing year," recalls Green. "For the first time in the history of Harvard Law School a final was canceled because RFK was killed the morning of the property exam. It left a big imprint on my life and no doubt Sandy's." But, even in the midst of the turmoil, Berger retained his pragmatism. "Sandy was always looking to move the ball forward," says his friend Eli Segal, now the head of an organization called Welfare to Work Partnership. "It was always interesting to me that he volunteered for Robert F. Kennedy, then [Eugene] McCarthy. . . . He was clean for Gene. [It was] no ideological problem to move from RFK" to McCarthy.

In his last semester of law school, Berger turned down a clerkship with a district judge to join the staff of Iowa

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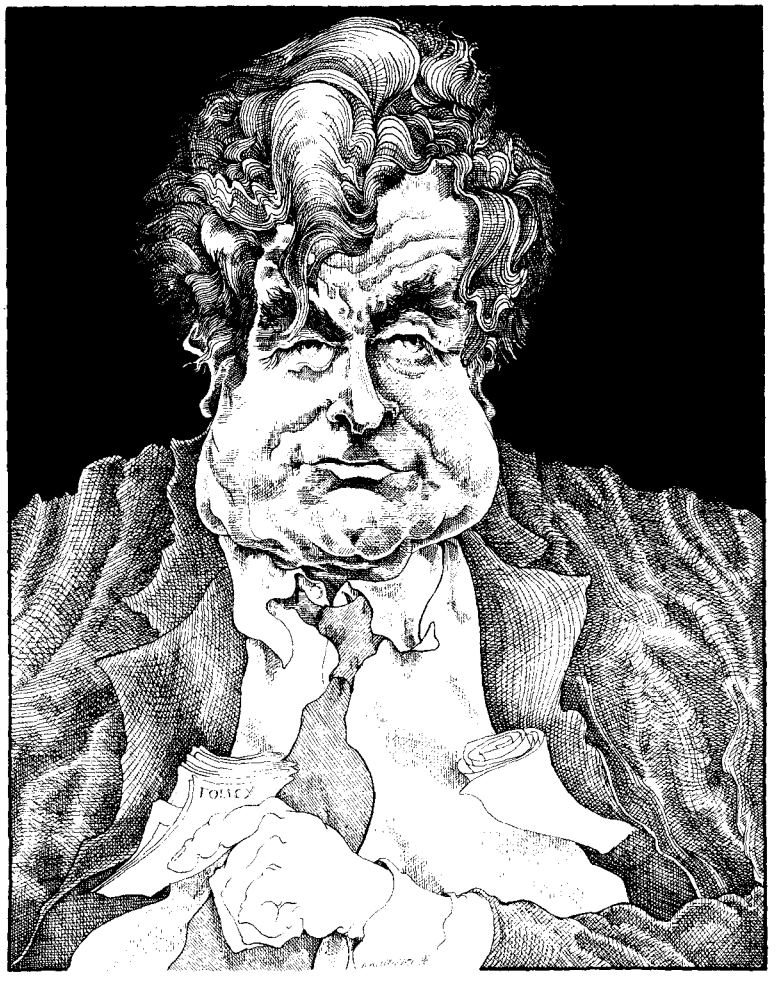
Senator Harold Hughes, who was planning to run for the presidency. The day after Berger joined, Hughes announced he would not run. "I tease him that he's been in more losing campaigns than me," says Segal. Indeed, Berger went on to work for a string of Democratic contenders. In 1972, he signed up with George McGovern—a fellow disciple of Berger's old professor George McTurnan Kahin. Despite McGovern's loss, the campaign would become key to Berger's career. He became acquainted with Bill Clinton, who was running McGovern's Texas campaign, and he formed a friendship with Gary Hart, who was McGovern's national campaign manager.

On the McGovern campaign, Berger began to specialize in foreign policy. McGovern's message was essentially the same one that Berger had imbibed back at Cornell. As Hart describes it, "McGovern and Sandy worked closely together. [They were] looking more toward how to get away from just a negative containment policy, how we avoid treating every country in the world as a friend or an enemy." Berger would later advise Hart himself during his abortive run for the presidency in 1988. For his part, Berger still esteems McGovern deeply and seems to recall the "Come Home, America" campaign as a moment of rare ideological consistency. "McGovern knew why he was running for president," Berger told me. His devastating defeat came because the South Dakotan "got off his game" and lost "the clarity of his message."



SANDY BERGER BY VINT LAWRENCE FOR THE NEW REPUBLIC

After the McGovern campaign, Berger went back to Washington, where he joined the liberal Democratic law firm of Hogan & Hartson. But the lure of politics was never far away. In 1977, Berger entered the Carter administration as a speechwriter for the president, then went on to become a speechwriter for Secretary of State Cyrus Vance and deputy director of the Policy Planning staff. Even now, he sides with the preternaturally dovish Vance against Carter's hawkish NSC adviser, Zbigniew Brzezinski: "Cy was a very talented man of strong convictions, but he didn't like fights about process. He thought it wasn't something he should worry about. But of course process is important, particularly when you had Brzezinski's perspective."

After Carter's defeat, Berger returned to Hogan & Hartson, where he launched the firm's international trade practice with a special emphasis on Japanese clients. This was a time when foreign competition was leveling one traditional American industry after another, provoking demands for protection against Japan Inc., especially from such stalwart Democratic constituencies as the AFL-CIO. But, for Berger, representing the Japanese posed no crisis of conscience; rather, it filled out his vision of foreign policy. He had always believed in compromise, in the gray areas; hammering out access to U.S. markets for Japan cemented his conviction that even a seemingly intractable international conflict could contain the seeds of a win-win solution.

Throughout, Berger's list of political connections grew ever longer. In addition to his work as a foreign policy adviser to the Hart campaign, he served as an adviser to both Walter Mondale and Michael Dukakis. In 1988 and 1992, he was part of the inner circle of friends that met with Clinton to urge him to run for the presidency. And Berger helped prepare Clinton for the debate against George Bush.

With Clinton's election, Berger could have become national security adviser. But Berger felt that he lacked the requisite White House experience to hold the job himself. So he suggested that Clinton appoint Lake, whom Berger had introduced to the president during a Boston campaign stop. Berger would be number two. Berger also saw to it that the neoconservatives who had jumped on Clinton's bandwagon were frozen out for appointments.

Clinton's first term was marked by a clear division of labor on foreign policy. Lake was interested in issues such as Africa and Northern Ireland. The State Department, by contrast, handled Bosnia, North Korea, and the Middle East and, together with the Pentagon, developed the Partnership for Peace proposal—a precursor of the present plan for NATO expansion.

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Berger therefore cannot be held responsible for the first-term disasters in Somalia and Bosnia, for which Lake and Secretary of State Warren Christopher, and ultimately Clinton, are to blame. But he wasn't a bystander, either. Berger initiated weekly luncheons for the foreign policy deputies—Deputy Secretary of State Strobe Talbott, then Deputy Secretary of Defense John Deutch, and Leon Fuerth, national security adviser to Vice President Al Gore. According to a former administration official, Berger "ran the deputy's committee in the first term. That was where the execution took place." Berger was also responsible for the Haitian war-games simulation and ran China policy. A former aide to Berger at the NSC observes, "it was not a huge leap from the place he was in the first term" to becoming national security adviser. "He was already exerting policy influence, already proven to be a steady hand at the wheel." "Part of Berger's rise," she adds, "has been that he plays well with others. He knows how to build alliances."

Berger's tactical skills are undeniable. A Republican Senate source says that Berger has far superior relations with the Republican-controlled Senate than Lake did. And, apart from pulling the foreign policy team together, he has managed to push through potentially controversial policies. Take the approval of the Chemical Weapons Convention. Recognizing that Senator Jesse Helms would stage a rearguard action to block the treaty, Berger went directly to Senate Majority Leader Trent Lott. Helms tried to push the negotiations down to staff level where he could stymie any progress, but Berger resisted. "If you read the newspapers," says one Berger aide, "in the public eye the secretary of state played a leading role, but behind the scenes that success would not have happened without Berger."

Berger has also quietly and successfully pushed for key aspects of the Clinton administration's Bosnia policy such as the American troop presence there, the decision to back Bosnian Serb President Biljana Plavsic as president of Republika Srpska, and the use of NATO troops to thwart Serb attempts to use the media as a propaganda outlet. Berger is also behind the Clinton administration's push to expand NATO.

At first, Berger's expressions of support for NATO expansion sound out of character—a cold war strategy for a post-cold war man. "NATO didn't freeze with the end of the cold war," he asserts. "Russia flailed and huffed and puffed, but in the final analysis ... it became clear we are going forward." And, when asked whether he agrees with Talbott's recent remark that Russia could become a member of NATO, Berger rolls his eyes and says, "that's harder for me to see." But, when questioned about the possibility of Russia and China deliberately pursuing policies antithetical to American interests, Berger waffles: "What we need to do with respect to both China and Russia is to cooperate with them where it's in our interest ... and to be very vigilant about the fact that our interests are not always going to be the same."

This is where the inherent problems with Berger's vision begin to surface. For to be vigilant about American interests is not the same as assertively protecting them. Perhaps the clearest example of this is the (continuing) Iraq crisis. The Chinese and the Russians have been assisting Saddam—as well as the Iranians. They have attempted to bottle up United States initiatives on Iraq and Kosovo in the U.N. Security Council. And Russian Foreign Minister—and longtime Saddam buddy—Yevgeny Primakov has continually interfered with American diplomatic efforts in Iraq. Yet Berger and others in the administration act as though they can elide the choices posed by Russian and Chinese obstreperousness by holding out the promise of economic cooperation. As a result, for all of Berger's emphasis on "process," something has gone badly awry with the American response to Saddam's flouting of the 1991 armistice provisions calling for unfettered access to suspected nuclear and biological weapons sites.

Or has it? Perhaps Berger ended up with the solution that he instinctively wanted in the first place. For, in the showdown with Saddam, process became an end in itself, a substitute for action. So, while the U.S. talked tough at first, it seemed almost relieved to permit the Russians and Chinese and U.N. Secretary-General Kofi Annan to squelch the threat of a military response. A senior aide to Berger says: "I think everybody believed that ... it would be impossible to ... go to war without this kind of final burst of diplomacy." Viewed from this perspective, the administration can easily hail Annan's trip to Baghdad as a resounding success. "We held Kofi back until we had a consensus to give him verbal advice. Rather than launching off with no mission, no mandate, we worked the [Security] Council very hard," says the Berger aide. Now, Berger adds, "the Iraqi government has made a commitment to open access throughout the country, and, if it violates that commitment, there will be a strong resolution."

And yet, this is really no solution at all. As demonstrated by the Security Council's unwillingness to spell out the consequences should Iraq violate this latest agreement, international resolve against Iraq is as weak as it was before the crisis—or even weaker. The NSC is taking a fatalistic attitude toward Iraq. As one NSC member explains: "We lived with the Soviet Union for forty-five years, and at any time we could have gone in and liberated Poland. There were lots of things you could have done to have gotten it over with." But the analogy is dubious. The Soviet Union was a nuclear superpower. The U.S. was effectively deterred from "going in and liberating Poland." The Saddam regime would be far more vulnerable to a decisive policy designed to get rid of it.

Alas, the administration, having abandoned the Iraqi opposition in 1996, does not intend to supply it with much assistance today. "There's an awful lot of wish fulfillment going on about ... the opposition," an aide to Berger told me. "Each option has significant imperfections." In the end, this really amounts to a recipe for doing nothing. Policies always have imperfections; the question is which course will move most effectively to

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dislodge Saddam or, failing that, to restrain him. At a minimum, the Iraqi opposition could be part of a broader strategy aimed at ousting Saddam. Why throw away a chip before you've used it? But, when confronted with a foe who refuses to conform to rational economic models, Berger seems at a loss.

The same could be said about the Middle East peace process. Despite optimistic predictions that the Palestinians would build a democracy and focus on economic growth, Yasir Arafat has simply duplicated on a smaller scale the satrapies that dot the Arab desert. The administration's line—under Berger's direction—has been to up the pressure on the Netanyahu government, perhaps even make a public demand that Israel give up 13 percent of the West Bank in exchange for Palestinian assurances on stopping terror. But Netanyahu has now sent Clinton a compromise plan that would give the Palestinians more territory than previous Likud proposals. Berger asserts that both sides bear responsibility for the impasse and repeats the line that the only way to reach an agreement between the two sides is to go directly to final status negotiations. But Berger doesn't really give off the sense that the Middle East peace process is a burning issue for him. On the details of policy, a senior aide to Berger notes, "Dennis [Ross] and Madeleine Albright are the principal implementers."

Berger's silence on the Middle East may be part of a more general trait: he has left almost no paper trail on any foreign policy issue whether it's the Middle East or Europe. Perhaps his longest article on foreign affairs is in a presidential-transition campaign book published in 1992. The book includes an article by Berger and Sidney Harman titled "Trade & Commerce: Department of Commerce & U.S. Trade Representative." In a real sense, Berger's trade is still trade.

The only issue which causes Berger to grow animated is the prospect of integrating China into the world community. Berger has headed China policy since the first term, and it is clearly close to his heart. When asked the obvious question of whether the administration is subordinating human rights to trade, Berger objects: "We happen to have moved China policy from one of antagonistic disengagement to one of pragmatic engagement." How did the administration accomplish this? "By breaking the link between Most Favored Nation status and human rights." Berger says, "linkage had become totally counterproductive. Neither the China relationship nor human rights were served by this." The administration has also declared that it will drop a resolution condemning Chinese violations of human rights and religious freedom at this year's session of the U.N. Commission on Human Rights.

Berger seems to think that the human rights activists are all wet. The real way to accomplish progress on human rights, he implies, is to press the Chinese quietly. And he points to the signs of this policy's success: the release of high-profile political prisoners and China's ratification of a United Nations covenant on human rights. But it is Wei Jingsheng, a high-profile political prisoner if there ever was one, who has been decrying the administration's coddling of Beijing. Still, Berger sees only progress: "When [Chinese President] Jiang [Zemin] was here," says Berger, "he had met with President Clinton in his residence. There was probably the most intense discussion of human rights that has taken place between an American president and a Chinese leader." Clinton, continues Berger, "talked to Jiang about the relationship between growth and opportunity and how he didn't understand how China would be able to achieve its own aspirations in an information economy unless it let its people have a greater degree of expression and political freedom."

Berger sees China as the cornerstone of an entire new structure of peace. "We're trying to bury the post-cold war era," he says. "Bury it. We're now building a new set of demands.... To the extent China wants to enjoy the benefits of the international community and globalization, it ... has to sign up to obligations."

But signing up to obligations is, of course, one thing; living up to them is another. As Saddam recently showed, the Clinton administration can be rolled when it comes to enacting the provisions of an agreement. If they become inconvenient, the administration quickly redefines them and declares success. For its part, China has disrupted American efforts to pressure Saddam, denied a U.S.-based dissident access to Hong Kong, and begun to threaten the former colony's free press.

Most recently, President Clinton's trip through Africa seems emblematic of the administration's packaging of trade as a form of human rights. "We have a very one-dimensional view of the 'Dark Continent,' " Berger told *The Washington Post*, "and there is a sea change going on there." Is there? Clinton started his tour in Ghana, where President Jerry Rawlings seized power in a coup. Ugandan President Yoweri Museveni also shot his way into office. And Clinton hobnobbed with local thug Laurent Kabila of the Congo. The Clinton administration touts a trade bill with Africa (which currently accounts for a paltry one percent of U.S. exports) while it casts this visit as a victory lap around a newly democratized continent.

In his emphasis on geoeconomics, Berger is, in fact, following a recipe first prescribed back in the 1960s for bringing about a modus vivendi with Russia and China. As William Appleman Williams put it, "Isn't it time to stop defining trade as a weapon against other people with whom we have disagreements?... Isn't it time to admit that there is good as well as evil in those societies?" Whether it is Ho Chi Minh or Jiang Zemin or Laurent Kabila, Berger exemplifies an administration that sees the world in exactly those terms.

But, when he and President Clinton visited Robben Island, the prison in South Africa where Nelson Mandela was held for decades, they might have reflected on the toppling of apartheid. Liberals never argued that more trade would lead to a new South Africa. They called for sanctions and ostracism and isolation—and they were right. As Berger confronts ugly regimes from Baghdad to Beijing, he might remember that lesson. •

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BOOKS & The Arts

Stanley Kauffmann on Films

More from a Master

Like much that he has done, Abbas Kiarostami's **Taste of Cherry** (Zeitgeist) is so simple that initially it's difficult. The latest film by this 57-year-old Iranian writer-director begins with a close-up of a middle-aged man driving slowly around Teheran in a Range Rover, past men who are waiting to be hired for anything and who offer their services. Mr. Badii (as he's called) shakes his head and drives on into the countryside. He speaks to a man who collects plastic bags for a living. He picks up in turn a young soldier, a security guard, a seminarian, and—the oldest of the lot—a taxidermist. To each he makes the same offer.

Mr. Badii will pay the person well if, next day, that person will come to a place that he points out, a hole in a hillside. Mr. Badii will be lying in that hole. If he is dead, the other man will bury him. If he is alive, the other man will help him out. In either case there will be plentiful money in the car. An advance is offered. All the men refuse the job. In fact, the young soldier runs away when Mr. Badii stops the car.

Suicide is a proscribed subject in Iran, which is why, presumably, Mr. Badii puts his offer in that odd way. He is quite serious in his intent, though he doesn't state it unequivocally, and wants to be sure that he is buried. Most of the men he picks up try to dissuade him. The taxidermist even tells him that once he contemplated suicide but changed his mind. He climbed up a tree to fix a rope. It turned out to be a mulberry tree, says the taxidermist, and the taste of one mulberry altered his view, brought him back to life, to living. (This is the only "taste" in the film. I don't understand the word "cherry" in the title.) But Mr. Badii persists. Without having found a collaborator, he nonetheless drives back to the hole in the hillside, sits on the ground, and watches the sun set over Teheran.

There is more to come, but here let's look at what has happened so far, which is the bulk of the film. Through the first minutes, through the first interview (and despite what we may know of Kiarostami's past work), we wait for something to develop out of Mr. Badii's request, some explanation of his motives for suicide, some increment of story. None of this comes about. Before long, we understand that this calm journey *is* the film—Mr. Badii's quest among the living for someone who will assist in his ritual of death. This slow search in a Range Rover takes on aspects of a medieval morality play like *Everyman*, in which a protagonist, open almost to the point of naïveté, finds answers that enlarge his questions. And, as the film's design becomes clear to us, a quiet spaciousness begins to inhabit it.

On this hillside Mr. Badii watches the moon sail through the clouds. Then comes morning, and a change. We see the morning *on film*: the view of the city below is presented in that grainy texture that filmmakers use to convey the sense of looking at a TV screen. Then, in usual focus, we see a film crew on the hillside, with the actor who plays Mr. Badii moving amidst the cameras and mike booms. Perhaps Kiarostami himself is in the crew: I'm not familiar enough with his face to know.

I have no compunction about revealing this conclusion. In fact, having experienced it, I still feel this change as a surprise and know it will surprise me again the next time I see *Taste of Cherry*. Besides, this switch from observation to observer, as we quickly remember, has often been used by Kiarostami.

Gilberto Perez says that Kiarostami's work moves "with remarkable naturalness ... from the representation of reality to the representation, as part of reality, of the means of representation." (The section on Kiarostami in Perez's new book, *The Material Ghost*, is the best comment I have seen on the subject.) This perception helps to shift us from familiar Pirandellian ambiguity to latter-day holism. Characters are no longer in search of an author; authorship is now part of character. Observation of ourselves in the world is now part of being in the world. The appearance of the camera and crew is a reification of that truth, which exists whether or not a camera is present.

Kiarostami's work, as far as I know, has rarely had narrative or dramatic complexity. (I've seen five of his features, plus *The White Balloon*, which he wrote for another director.) Like Ozu and Antonioni, with whom he has rightly been compared, Kiarostami seems to look at film not as something to be made, but to be inhabited, as if it were *there* always, like the world, waiting to be stepped into, without fuss. Neither

FILMS WORTH SEEING

Fireworks. *A Japanese whirlwind named Takeshi Kitano writes, directs, and stars in this tale of Tokyo detectives. Just enough like American models to make its Asian interpretation fascinating. (Reviewed 4/6/98)* **Men with Guns.** *The grimness of Central American politics, seen through the eyes of a doctor. John Sayles wrote and directed with more subtlety than usual. (3/23/98)* **Post Coitum.** *Passion explodes the life of a fortyish Parisian married woman. Written and directed by Brigitte Roüan, who plays the leading role with fire and wit and pathos. (3/30/98)* **Wag the Dog.** *A sex scandal in the White House creates a national crisis. Incredible you say? Well, anyway it's largely funny. (2/2/98)*—**SK**

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Ozu nor Antonioni used the camera's presence to underscore this concept. But at their best, both of them made film disappear—in any of its cajoling modes. It simply dissolves into being. So with Kiarostami.

Consequently the actors in *Taste of Cherry* don't make actors' points (something that many of us relish in other contexts). This director wants little more from them than wholeness of self. Homayoun Ershadi, as Mr. Badii, gives us a man whose gaunt decision came from some place far beyond dramatics. Ali Moradi, the soldier, has the right air of growing discomfort as he hears more and more from Mr. Badii, as if he were discovering that he is riding with an infected man. Abdolhossein Bagheri, the taxidermist, gives his role the seasoned humanity of a man who loves life despite what he knows about it.

One fact in the press kit is not discernible in the film itself. The chief actors did not work with one another. Most of the film takes place in the front seat of the Range Rover; Mr. Badii drives, and his passenger responds. But the two segments of each sequence, driver and passenger, were filmed separately. In each case the sequence was filmed with Kiarostami himself (unseen) doing the driving and asking the questions, while the other man, on camera, answered. Subsequently, this footage was intercut with shots of Mr. Badii at the wheel asking the questions.

This method has a tinge of Godard's device of asking questions of his actors while he was off camera, through invisible ear devices, in order to keep them attuned to the world around the shot; and it also suggests Bresson's hatred of acting. A Bresson anecdote has him, at a rehearsal, saying to his actors: "If you all don't stop acting, I'm going to leave." One can imagine Kiarostami using this (invisible) split-screen device as a guard against acting in any conventional sense.

How Kiarostami has had a career in such a straitened country as Iran is another miracle. (*Taste of Cherry* was blocked from export because of its topic, suicide. Extreme efforts by people outside Iran got it to the Cannes Film Festival last year, where it was awarded the Palme d'Or.) Censorship is only one of the obstacles. Yet Kiarostami, along with other Iranian directors, some of whom have been discussed in this column, has been creating a film culture in the last decades that is engrossing beyond much that is being done in less constricted countries, a culture that is deep and pure, revelatory of a people he loves. And like all national art that is sufficiently truthful, his work is illuminating for us all. •

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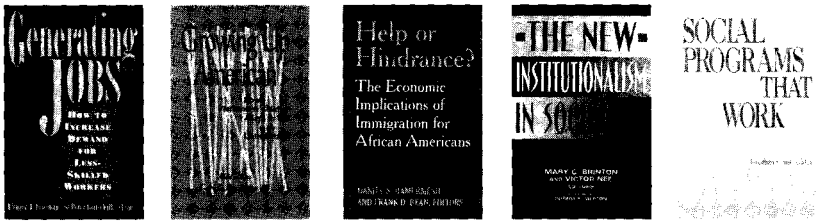

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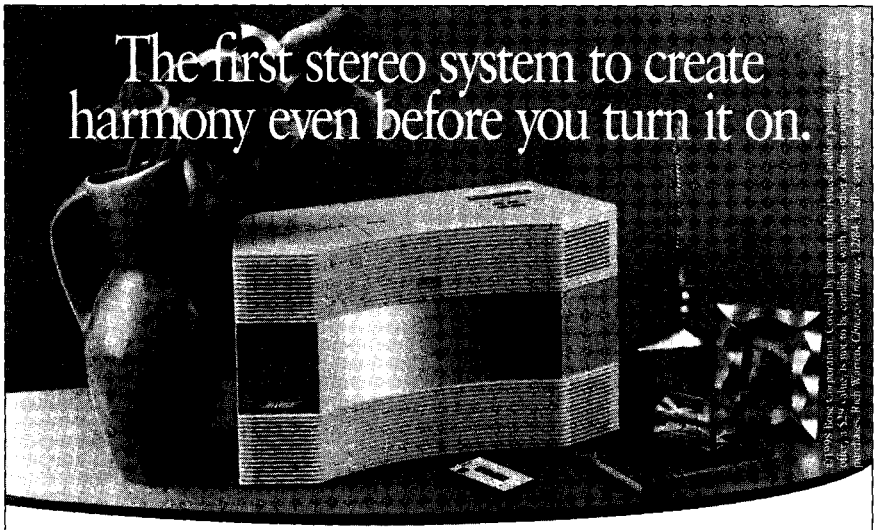

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The Soviet collapse and the Russian collapse.

Stealing the State

By Stephen Kotkin

"Let's face it," said George Soros, Anatoly Chubais is "tainted." Chubais is first deputy prime minister of Russia and the former chief of Russia's privatization. Soros has been the great champion of Russia's transition, one of the few individuals to match rhetorical support with financial support, first with philanthropy, now also with investment and with bridge loans to the Russian government. Soros was speaking about Chubais at a symposium at Harvard University on investment in Russia; but to point out, in 1998, that Chubais's reform machinations are tainted is akin to ascending a soapbox and declaiming, with an air of intellectual courage, that most French intellectuals in the 1950s were ... Communists!

The New York Times, another unwavering enthusiast for the Russian transition, has gone further, admonishing Chubais in an editorial to step down. This came after the sore losers in Russia's first apparently competitive bidding auction (for a 25 percent stake in Svyazinvest, a state telecommunications conglomerate) used their private media outlets to divulge that Chubais had accepted an "advance" for a coauthored book on privatization with dim sales prospects. A publisher's miscalculation, one might conclude—except that the company was subsequently acquired by the bank that won the Svyazinvest auction (with a tender of $1.87 billion). The amount of the book advance was $90,000.

For years, as part of Russia's dash to the market, untold billions of dollars' worth of properties have changed hands under Chubais's direction, with Western cheerleading, consultants, and cash. But all of a sudden we are shocked, shocked by "robber-baron capitalism," and someone must be held accountable. The uproar over Chubais's petty greed reflects a certain disappointment over the course of events in Russia. But that disappointment derives from an insufficient grasp of what has transpired.

Amid lamentations over "reforms" stymied by Communist troglodytes, the repudiation of socialism and the dissolution of the Soviet Union seemed to come out of the blue. An institutional loss of confidence turned into a self-fulfilling spiral. "Soviet institutions," explains Steven L. Solnick, "were victimized by the organizational equivalent of a colossal 'bank run.' " Soviet officials sensed the impending doom, and they "rushed to claim ... assets before the bureaucratic doors shut for good." Of course, "unlike [in] a bank run, the defecting officials were not depositors claiming their rightful assets, but employees of the state appropriating state assets." And they grabbed everything that was "fungible." (From the wreckage Solnick himself plucked a valuable book.)

Stealing the State: Control and Collapse in Soviet Institutions
by Steven L. Solnick
(Harvard University Press, 337 pp., $49.95)

The Political History of Economic Reform in Russia, 1985-1994
by Vladimir Mau
(Centre for Research into Communist Economies, 132 pp., £9.95)

Privatizing Russia
by Maxim Boycko, Andrei Shleifer, and Robert Vishny
(MIT Press, 165 pp., $12.50)

Kremlin Capitalism: Privatizing the Russian Economy
by Joseph R. Blasi, Maya Kroumova, and Douglas Kruse
(Cornell University Press, 249 pp., $16.95)

Boris El'tsin: ot rassveta do zakata
[Boris Yeltsin: From Dawn to Dusk]
by Aleksandr Korzhakov
(Interbuk, 479 pp.)

It looked like the end of history, but it was a bank run. Solnick's study of the "stealing" of the state proceeds through three case studies: the Communist youth league (Komsomol); the system of mandatory job assignments for university graduates; and universal military conscription. Examining archival materials, he found that Soviet youth displayed a pattern, not of accumulating ferment, but of deepening passivity. A survey in 1961 of 17,000 young people reported that only one-quarter of them listed building a Communist society as a goal of their lives. The rest singled out music, social activities, and the need to avoid blue-collar occupations. Youth league officials, at a gathering in 1968 devoted in part to a discussion of apathy among the rank and file, occupied themselves with trying to come to grips with *Easy Rider*, the American film that had been officially banned. Some stalwarts scolded the others for enjoying the film, but, as Solnick writes, "even the indoctrinators ... seem to have been inadequately indoctrinated."

There was cynicism over a long time among youth and older youth officials, Solnick argues, and it indicates that neither generational conflict nor ideological decay can explain the regime's abrupt loss of control over institutions such as the Komsomol in the 1980s. The Komsomol deserted into opportunism, but until the "bank run" it functioned. The question, therefore, is why "Gorbachev's reforms apparently caused mid-level and lower-level Soviet bureaucrats to abandon decades-long patterns of subordination and to defy the authority of their institutional bosses." Solnick contends that "discretionary behavior" among "enterprising" officials was unintentionally let loose. The reforms sought to achieve state aims by enabling greater local initiative, but a divergence of interests between state officeholders and top rulers pushed decentralization much further than intended.

The Komsomol vanished along with its bank deposits. So did the system of mandatory job assignments for university graduates. But Solnick's third case, the Soviet draft, survived the events of 1991, notwithstanding the known prevalence of drunkenness, violent hazing, and noncombat deaths in the army. Observing that "assets" such as draft boards could not be easily expropriated, he overlooks the garage sales of Kalashnikovs, communications equipment, and tanks. He also neglects to mention that the Komsomol was linked to the Communist Party and so went down with it, and that the system of job assignments formed part of the planned economy and could not survive the latter's demise; but the army was a state institution, not a party institution. It could exist, whatever the nature of economic organization, provided it received allocations from the state budget and drew on a sense of statehood.

The state survived the party and socialism. Indeed, the Communist Party

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had never displaced the state. After the revolution in 1917, tsarist officers and bureaucrats were incorporated into the new order for their much-needed expertise. But they were not trusted, and so the revolutionary authorities paired the experts with political commissars. The next generation of officers and bureaucrats were graduates of Soviet schools, but the party-state parallelism was already institutionalized. Thus, the Soviet Union acquired two separate bureaucracies, one of the party and one of the state, mirroring each other in function and in office from the lowest levels to the highest.

By itself the Soviet state was immense, encompassing the whole system of soviets, or legislatures, and the executive, or the various ministries, the planning agencies, the KGB, the army. To conduct business, the staff of each state institution usually held two meetings, once as party members and once as state functionaries. Since almost all state officials were party members, the two meetings frequently seemed identical. At the same time, the gargantuan party bureaucracy held its own meetings alongside those of the state bodies. Thus, a decision on school textbooks meant a resolution from both the party's Central Committee and the government's Council of Ministers, to be followed by instructions from the Central Committee departments in charge of ideology and education and the Ministry of Education, and so on, right down to the city and district party committees and the local branches of the state education bureaucracy.

Why not, then, remove the party as redundant, and get on only with the state? That is what Gorbachev half-wittingly set out to do. But he had an unpleasant surprise. The problem that Gorbachev encountered—the bank run—took place because the party undergirded the Union. Contrary to common understanding, the Soviet state really was a union comprising 15 republics. Each republic had fixed borders, a quasi-parliament, a government, an academy of science, and a national language, all established mostly as a result of deliberate policies undertaken by the Soviet regime. The constitution gave the republics the right to secede. But self-rule was blocked, because the party was not federal. The Communist Party of, say, Georgia did not have even the nominal autonomy of a republic: it was subordinated to Moscow like the party committee from any Russian province. As long as the centralized party apparatus held sway, the federal institutions of the state could be overridden. But remove the party and you got a voluntary union of states, any one of which could choose to withdraw.

Gorbachev had trouble grasping his country's structure. He also feared party conservatives. Glasnost was introduced to force "reform" on the recalcitrant, but it had the opposite effect. It heightened conservative opposition. In late 1988, to avoid a repeat of October 1964, when a conspiracy of the apparat ousted Khrushchev by accepting his "request" to resign, Gorbachev abolished the Union-wide supervisory functions of the party. By sabotaging the apparat, and in such a masterly way that the conservatives scarcely noticed, the wily general secretary secured his own position—but he also inadvertently placed the republics beyond Moscow's control. The Supreme Soviets of the sovereign republics, freed from party domination, began to pass laws superseding those of the USSR. Hectoring and the inconclusive use of force could not alter the new political balance.

How could the Soviet Union have "survived decades of inescapably real challenges like war, famine, and crash industrialization," yet perish as a result of "the altogether less ominous challenge of internal reform"? Solnick has an answer. This happened because the

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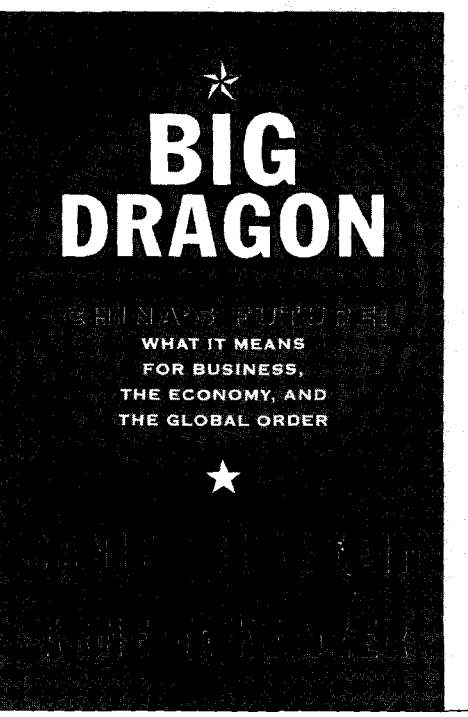

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party was redundant to the state, but without the party the federal state no longer operated like a centralized state. Dumbfounded, the Soviet elite divided between those who clung to the unsalvageable Union and futilely demanded martial law, and those, such as Yeltsin, who rushed to join "nationalists" representing the republics, thereby saving or even elevating themselves. The putsch in August 1991 (it was conducted by the government of the Soviet Union, so as to preserve itself) undermined the Union's last operating institution: the Soviet presidency (that is, Gorbachev). Russian Republic bodies—some recently formed on paper (the army, the KGB), others of long standing (the Finance Ministry)—took over the remains of their disintegrating Union counterparts. Solnick is unconcerned with this larger frame, but he pinpoints the dynamic: "precisely those agents who successfully defected from weakening Soviet structures" have become "the leading political and economic actors in post-Soviet states." Rarely has disloyalty been so extensive and so rewarding.

For a few months late in 1991, an incomprehending idealism reigned. But no sooner had Egor Gaidar, a 35-year-old economics teacher, set in motion a leap to the market in January 1992 than he came under savage pressure. The pressure did not come from street uprisings. It came from interest groups. The bosses of the tens of thousands of large enterprises built in the Soviet period, explains Vladimir Mau, "possessing material, labor, and financial resources, and being better organized than anyone else," emerged as a political force. Besieged, Gaidar sought an unstable alliance with the barons of manufacturing and the energy sector, who forced him to retreat from hardline monetarism but allowed him to survive. The macroeconomic results were disastrous. After an initial euphoria, when price liberalization wiped out shortages, Russia experienced hyperinflation and a catastrophic drop-off in output.

There was plenty of shock, but there was not much therapy. Foreign advisors, such as Jeffrey Sachs, blamed insufficient Western aid. Others blamed Communist survivals, or Russian culture, or Gaidar. Few blamed themselves or the theory. Some argued that shock therapy had not truly been tried; but one must wonder about an economic program whose proponents concede that it works only in pure form, even as they anticipate real-world obstacles to its implementation. Theorists themselves warned of strikes, and called for the introduction of a social safety net. But this was not done, and there were few strikes. So home free? Hardly. As Mau emphasizes, consistent anti-inflationary policies proved impossible in Russia, owing to the social legacy of Stalin's industrialization. Gaidar vanquished the planning bureaucracy, but agents of the more fundamental sector of the planned economy, the industrial enterprises, vanquished him—after he had liberated them from the planners.

Gaidar was replaced by Viktor Chernomyrdin, the natural-gas tsar of the Soviet era. Stoking doomsday prophecies in the West, Chernomyrdin publicly castigated his predecessor and bemoaned the steep decline of Russian industry. In practice, however, the new prime minister began to follow a more vigorous anti-inflationary course than Gaidar, using patriotic rhetoric to deflate the opposition. For all his analytical acumen, Mau does not explain this ostensible policy surprise, other than to hint that a sudden plunge in the ruble-dollar exchange rate in October 1994 scared the Chernomyrdin government. (In fact, the government was speculating successfully in dollars.) Western financial institutions, for their part, have placed the prime minister's epiphany on their balance sheets, but they fail to explain why their suggestions and their threats had only minimal effect between 1992 and 1994.

The answer to the Chernomyrdin "mystery" lurks in the reallocation of property. Crafted by another Young Turk economics instructor, Anatoly Chubais, the privatization program did not pass the Russian parliament until June 1992, after shock therapy's infeasibility had become manifest. In a market economy, privatization is usually conducted by inviting an outside accounting firm to inspect a firm's books, assign a value to each building and piece of equipment, suggest possible restructuring, and maybe even begin restructuring, before a cash sale by competitive bid. But this takes time, up to six months or a year per firm. Russia had tens of thousands of large firms, and even more smaller and medium-sized ones.

Equally important, the process that helped to finish off the Soviet Union—the abandonment, by officials, of state interests for private interests—was paralleled by the spontaneous appropriation of state-owned industry by managers. Even before Gaidar abolished the economic ministries, managers expanded Soviet-style black-market operations: trading, for barter or cash, the products that "their" firms produced or obtained, pocketing much of the proceeds, and buying off some of their workforces. Whereas Gaidar had legitimated managerial larceny, Chubais sought to turn it to the country's advantage.

Chubais's approach was tactically brilliant. He delegated responsibility for the privatization of lesser-scale businesses to regional and municipal governments, to make them self-interested beneficiaries, and he himself concentrated on large firms. Armed with a program of "mass privatization," he endeavored to beat back anti-private property forces in the parliament; to win over existing stakeholders (the sticky-fingered managers, some of whom opposed privatization for fear that they would lose their de facto ownership rights); and to create more stakeholders among the citizenry. Vouchers were distributed to everyone between October 1992 and February 1993. In preparation for sale, all firms were compelled to incorporate—but as open joint-stock companies, to preempt the insider-led formation of collective-farm-style closed partnerships. And vouchers were made tradeable, permitting the acquisition of significant share blocks by "outsiders," in the hope that they would bring pressure on managers to restructure. Some firms in designated industries were not included in this first wave of privatization, but within two years some 15,000 large and mid-sized enterprises were registered as private.

Offered three models by which to proceed, almost three-quarters of the firms chose the option whereby management and workers purchased a 51 percent controlling block of their company's voting equity. In these cases, a further 29 percent of shares were sold at open "auctions" to voucher-holders, which more often than not included employees and management who had bought additional vouchers on the open market. By historical standards, the degree of employee ownership was extraordinary, and perhaps a threat to any restructuring requiring extensive layoffs. Still, a substantial equity stake was kept by the state—by federal, provincial, and/or municipal governments. In theory, those shares could be sold to a "strategic investor," who might demand restructuring even if supposedly self-interested managers failed to do so. Investment by foreign firms was excluded, in a supposed bow to nationalists who railed against the sale of Russia's patrimony.

Still, foreign consultants were ubiquitous. USAID funded the design and the implementation of the Russian privatization program, subcontracting the work to the Harvard Institute for International Development (HIID). Under Andrei Shleifer, the project director, HIID

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Been There, Done That

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received more than $40 million in noncompetitive grants over several years. Additional hundreds of millions coordinated by HIID were provided by private foundations in America, the World Bank, the European Reconstruction and Development Bank, and others. In connection with the voucher program alone, some $7.75 million was spent on ten "consultants" hired through HIID. They worked intimately with Chubais, who bypassed the troublesome Russian legislature and obtained the authority to act from autocratic presidential decrees. He set up private agencies, staffed by select government officials, to handle the funds. Efficacy took precedence over accountability.

HIID used part of its USAID funding to "support" the writing of an informative and self-congratulatory book by Shleifer and two other members of the team, Maxim Boycko and Robert Vishny. In that book, they laud privatization as a "rare success story of Russian economic reform," adding that by 1994 it "was largely done." But they themselves acknowledge that the success of privatization "ultimately" will be determined by "the speed and scope of restructuring," and that "the restructuring of industry" has barely "begun." Even with such an admission, their first-principles defense of Russia's privatization would be easier to take had USAID not suspended the Harvard grant in 1997 after allegations that, in violation of university regulations, Shleifer's wife and another consultant's girlfriend made profits in Russian investments using privileged information controlled by HIID.

A more scrupulous assessment of Russian privatization comes from a book based on another HIID-sponsored project. Between 1992 and 1996, Joseph R. Blasi, Maya Kroumova, and Douglas Kruse visited hundreds of companies in almost all regions of the Russian Federation. On average, they write, managers and general directors admitted paying about 40 times less than their companies were worth. And even higher multiples have been documented. The automobile manufacturer VAZ, for example, was purchased at voucher auction for $45 million, whereas in 1991 Fiat had offered $2 billion (and been turned away). The decision not to allow foreigners to participate in auctions meant forgoing a critical lever for assessing and raising the worth of "Russian patrimony." The authors note that the voucher value of all Russian industry—including some of the world's richest deposits of oil and natural gas—came to about $12 billion, or less than the value of Anheuser-Busch.

Small wonder that Yuri Luzhkov, the savvy mayor of Moscow, pulled out all the stops to exempt Moscow properties from the voucher scheme. Like General Kutuzov against Napoleon, Chubais surrendered Moscow to win the war. Assets in the country's capital were offered for cash sale, generating sizable revenues that have been used not only to line the pockets of officials, but also to rebuild the city's infrastructure and to pay for services. Much of the rest of Russian industry, however, was given away for small beer, to make privatization "irreversible."

It all might have been beneficial had the Russian economy taken off. But the survey by Blasi, Kroumova, and Kruse also uncovered little evidence of restructuring. They note that outsider influence over firms remains negligible, and that substantial passive state ownership persists in most firms. "Privatization," they conclude, "was a seed that fell on hard, dry ground"—except in Moscow, which they do not examine. (Nor do they investigate the experience of the provincial governments, most of which have used privatization to consolidate political control, with economically varied results.)

Neither book on privatization treats the impact on the industrial lobby. Still, it is not hard to surmise what happened. Newly propertied managers split into two camps. There were those in profit-making ventures, who wanted a relatively stable macroeconomic environment, and there were the rest, who sought continued budget subsidies to prop them up. Paying lip service to the latter, Chernomyrdin backed the former, who included a handful of manufacturers but overwhelmingly comprised firms selling resources at world prices (such as Gazprom, the prime minister's former bailiwick). The men running such companies whisked their considerable windfalls into offshore accounts, though some of the cleverer ones bought up media properties and created commercial banks.

The state treasury has seen little of this money. On the contrary, the combination of premeditated shock therapy (inducing a free-fall in industry) with selective budget concessions opened a monstrous deficit. Hence the infamous "loans for shares" second stage of privatization, begun in mid-1995. Private banks formed by snatching state assets; and, enriched by lucrative government accounts, they offered to cover the deficit with "loans" if the government would put up, as collateral, the shares that it retained in coveted properties dealing in oil, gas, nickel, and other minerals. Should the government fail to repay the obligations—a sure bet—the shares would be sold at auction. Incredibly, Chubais allowed the banks themselves to set up and to run the auctions. "The banks that organized the auctions repeatedly disqualified their competitors and won the bids," Blasi, Kroumova, and Kruse write, adding in understatement that "most bids were fairly low." In many cases, in fact, the outcomes were rigged: preserving the appearance of competition, the bankers negotiated a division of the spoils. The upshot was the creation of a small group of billionaires, who repaid the favor by helping procure Boris Yeltsin's reelection in 1996. (The IMF also kicked in substantially.)

Lately, the billionaires have been scooping up controlling stakes in a variety of enterprises and firing managers; but restructuring remains elusive. The problem is not some innate incapacity on the part of Soviet-era managers to work in market conditions. (After all, to fulfill the plan most of them had to be wheeler-dealers on the vast black market.) The problem is that many, and perhaps most, of the enterprises purchased with vouchers—even the ones subsequently taken over by outsiders—face well-deserved extinction. It is one thing to procure state licenses to export oil and gas for dizzying profits, or to expropriate the profitable subdivisions of factories; it is quite another to restructure a rust belt encompassing literally an entire country. In the 1920s, before Stalin's industrialization, heavy industry accounted for about 20 percent of the Soviet economy. By the late 1980s, the proportion had switched. The economy was almost 80 percent heavy industry.

Not all enterprises inherited by Russia from the Soviet Union were antediluvian. The best were in defense, but the necessary downsizing of the military-industrial complex brought many world-class manufacturers to their knees. Other top-notch branches, such as biotechnology, suffered from the lack of industrial triage in Gaidar's broad-front attack on the foundering planned economy. Notwithstanding the abolition of planning and industrial decline, Russia's economy is still dominated in employment terms by Fordist plants typical of the interwar period (even if they were built in the postwar period). Think of Gary, Indiana and Youngstown, Ohio, multiplied several thousandfold, and you will have some idea of the challenge (and the financial sums) necessary for Russia to create a new economy. Meanwhile, the long obsolete fossil-fuel industrialism of the Soviet era continues to be cannibalized for short-term gain.

With the dissolution of the Soviet Union, abundant bureaucrats in Mos-

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cow lost their sinecures as various state agencies were abolished. But many of these reappeared under new names, and countless new offices were created. Buildings that used to house party apparatchiks now hold state functionaries. The post-1991 Russian republic has more officeholders than the Soviet Union had, to serve not much more than half the Soviet Union's population. Since Moscow's domain has shrunk, its direct responsibility for local affairs has diminished, and its ability to project power beyond the CIS has virtually disappeared, the state has become particularly top-heavy and self-absorbed.

The story of the Russian state's consolidation acquires a new light in *Boris El'tsin: ot rassveta do zakata*, or *Boris Yeltsin: From Dawn to Dusk*, a memoir by Aleksandr Korzhakov recently published in Russia (and not yet translated into English). A career KGB officer, and the beefy son of two textile workers from a rough-and-tumble Moscow neighborhood, Korzhakov was assigned round-the-clock guard duty of Boris Yeltsin in late 1985, when the party boss of the Urals was transferred to Moscow and made a candidate-member of the Politburo. Even after Yeltsin was bounced from the leadership and demoted to head a construction trust in 1987, they remained in close contact. Korzhakov professes that he had no inkling that Yeltsin would later rise to supreme power, that his continued association with a disgraced official could instead have damaged his career in the Kremlin. Soon enough, however, Yeltsin was elected to high office. Again he rated a bodyguard. He and the bodyguard Korzhakov bonded over volleyball, tennis, steam baths, and moonshine.

No less self-serving than Yeltsin's memoirs, Korzhakov's romp abounds in insider details. He recounts the Yeltsin team's post-Soviet scrum for Kremlin offices and state apartments. (Gaidar is said to have been "in ecstasy over getting free housing.") He divulges the president's passion for playing spoons, usually on the head of a kneeling aide. (When the wooden souvenir type could not be found, Yeltsin used metal ones.) We learn that the president, when forbidden to drink by doctors, would secretly slip money to an aide to go out and buy him a bottle. (The ever-vigilant Korzhakov interceded, substituting water for vodka, but adding just a pinch of the hard stuff to fool the boss.) Numerous family photographs, with imagined captions containing Yeltsin's "colloquial" brand of Russian, add weight to the revelation that Korzhakov and Yeltsin were "blood brothers," having twice cut themselves and mingled their plasma.

Trying to minimize bad news, or what a disheartened Yeltsin would denounce as "again more shit," Korzhakov took it upon himself to regulate the traffic in and out of the president's office. Yet Yeltsin became depressed anyway and, in Korzhakov's euphemism, periodically sought to "resolve matters once and for all.... Sometimes he'd end up locked in the sauna, sometimes he'd be found in a river." It was Korzhakov who invariably came to the rescue. The sicker and more unbalanced the president became, the greater became the bodyguard's sphere of authority. Korzhakov improbably sloughs off responsibility for the Chechen war, but he admits that well before Yeltsin's violent showdown with parliament in October 1993 he "told the president it's time to bang a fist on the table. Enough already tolerating this whorehouse environment, this powerlessness. There should be a single man of the house."

Just prior to the onset of the armed mêlée, Korzhakov writes, Yeltsin retired at 11 p.m., having instructed his bodyguard to sit at the country's communications command post. "I sat in the president's chair almost the whole night from the 3rd to the 4th of October," he boasts. "I heard reports, issued orders, gathered information." When he discovered that Defense Minister Pavel Grachev had not moved in troops as he was ordered, Korzhakov supposedly woke and dragged the president to the temporizing ministry. Several hours later, after Yeltsin was again awakened to shore up the morale of the elite Alpha troops, Korzhakov accompanied them on their assault on the parliament building. Having captured Ruslan Khasbulatov and Aleksandr Rutskoi, he sped to the Kremlin, only to discover that those who had waffled or stood aside were hours into a celebratory banquet. Without Korzhakov, we are led to believe, the outcome would have been different.

After relying on Korzhakov to disperse the madcap parliament, Yeltsin's entourage forced through a constitution whose balance of powers is neatly summed up in the provision that treats of votes of no-confidence in the government: after one such vote, nothing happens; after a second such vote, nothing happens; after a third such vote, the president may dismiss parliament and call for new elections. Such arrangements, generously described as a "presidential state," have been attributed to the authoritarian political culture of Russia, or to Yeltsin's personality. But Korzhakov's memoir highlights how, in battling against the "threat" of a Communist revanche and

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Notes from the Provinces

Something about that music
from the corner bar & grill—
the blue notes drifting out like smoke . . .

Each time she walks by, or he does,
he licks his lips appreciatively—
but he does it so no one will notice.

Sunset, down on the town square,
as they lower the flag, raise their rifles,
fire at the empty heavens.

Children running in circles,
old men in a cluster
discussing their tight black shoes.

Through an open window
two lovers locked together
upright, or maybe not.

Smell of somebody's cooking
arriving on a wind
by way of Jupiter Street.

What was it you stepped out to look for?
Cool air, a piece of string,
a few fresh herbs from your garden?

DAVID YOUNG

for the cause of "reform," anything could be justified. Russia had no organized political center to speak in the name of the rule of law. There were only dangerous Communists and anti-Communists. (Here Gorbachev's pre-1991 refusal to split the ranks and form a social democratic party looms large.) A strong executive also seemed necessary owing to the chimera of a directed transition to the market, while the redistribution of property provided more than enough incentive to hold power, whatever the political price.

The unchecked presidency happens to be occupied by an invalid president. After Yeltsin suffered another heart attack around New Year's Eve, 1995-96, Korzhakov and other handlers holed the president up at the government dacha complex in Barvikha. "Occasionally," Korzhakov writes, "Boris Nikolaevich would ask in a sad voice, 'How're things down at work? What's new?'" This is Brezhnev, with elections. One day Yeltsin lifted his head with difficulty from the pillow and in a barely audible voice declared, "I've decided to run." The president's popularity hovered near zero, and Korzhakov concedes that the inner circle had its doubts. Trying to win over Chernomyrdin, the prime minister, to an election nullification scheme, Korzhakov resorted to flattery. "It's not right that only the chief of personal security decides what's good and what's bad," he records himself as having said. "The prime minister is not the last person in our state, in fact, he's probably the number two person. You should also have some weight."

More details of the discussions are not provided, but Korzhakov writes that Chubais, backed by billionaires who were nervous about political instability, advised that, with a lot of money and the manipulation of state television and private television, reelection was possible. As Yeltsin was shown on TV holding a shovel and telling impoverished viewers that he and his family planted and harvested their own potatoes, which they "lived on all winter," the tables at campaign strategy sessions groaned under the weight of delicacies reminiscent of the Romanovs. Within the Yeltsin camp, however, the uncertainty of a real vote increased tensions, while the campaign rearranged the internal correlation of forces. At the end of one meeting at headquarters, Korzhakov asked Chubais to keep his ugly mug out of public view, since it was turning off too many voters. Usually ruddy, Chubais turned so pale, according to Korzhakov, "that he began to look like a normal white person."

Korzhakov, who held responsibility for guarding campaign finances, provoked a showdown. He writes, in Soviet jargon, that "information came forward" that tens of millions of dollars were being stolen from the campaign. More precisely, on the night of June 18, Korzhakov's men surreptitiously entered the room holding campaign finances (it was also an office of the deputy finance minister), opened the safe, and allegedly found $500,000 in neatly wrapped banknotes, along with receipts for deposits in offshore accounts. The next day, two campaign workers showed up and retrieved the money. They were detained. Korzhakov's close associate Mikhail Barsukov, chief of the FSB (a successor to the KGB), sent a team to conduct an interrogation. A call came in from the president's younger daughter, Tatyana Dyachenko, who demanded the release of the two detained men. Supposedly coached by Boris Berezovsky, a tycoon with close contacts to the government, she accused Korzhakov of sabotaging the president's campaign. In the middle of the night, NTV, a private station owned by Vladimir Gusinsky, another financier, interrupted its insomniac programming to report an attempted coup.

That morning Yeltsin met with Korzhakov and Barsukov, and reportedly forgave them; but later, under pressure from his daughter and Chubais, he demanded their resignations. The president went on television, explaining that the two security men had "taken a lot on themselves and not given much." The remarks alarmed Korzhakov's mother, who thought that Yeltsin was referring to bribes rather than power, and scolded her son for not sharing some of what he took with the president. Dismissed, Korzhakov nonetheless returned for work in his Kremlin office—and was admitted. When he was informed of this, Yeltsin was enraged; and an aide hurried to tell Korzhakov it was for real, he had to go. Two days later the president suffered another heart attack. The runoff was a week away. On the day of balloting, the former bodyguard told a wall of TV cameras that he voted for Yeltsin. Korzhakov admits believing that a reelected president would summon him back. But Yeltsin already had his strong-arm constitution, and for the time being he needed neither cancellation of an election nor military operations against parliament. Escaping, now and again, from the hospital to the Kremlin, Yeltsin has made noises that he wanted to free himself from the money men as well. Constitutionally, he has the power to dismiss his government—as he did, theatrically, last week. But Yeltsin's illusory show of leadership (possibly abetted by his daughter Tatyana) cannot curb the parasitic power of the financiers and energy interests, or eliminate any new government's dependence on them. And intrigue, too, has its price.

In stealing the state, only a few former Soviet officials ripped out the phones, carpets, and wood paneling before fleeing. Most of them remained at their desks, using their positions—connections, licensing power, affixing of seals—for private gain. It seems remarkable, in retrospect, that before the great bank run state assets were not spontaneously appropriated by the officials at all levels, for these were the people who exercised day-to-day control over their disposition. Of course, embezzlement and bribe-taking were commonplace under Communism. But compared with what has happened since? What an irony that Mikhail Gorbachev, who had risen to power as the leader of an

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anticorruption team assembled by Yuri Andropov, instigated a reform that greatly accelerated the insider theft of state property by officials. And what a coup that Boris Yeltsin, assisted by Russian and foreign champions, claimed the credit, calling the theft a transition to the market. In a way, it was.

Just as no Soviet leader could have easily forestalled the dissolution of the structurally vulnerable Union, so no Russian leader could have prevented the total appropriation of bank accounts and property that the state owned on paper but did not control. For that reason, this was *never* an engineered move to the market. The Russian transition formed a continuation of the Soviet collapse, which in turn was driven by the dissolution of structural controls over state agents and managers. Exempting himself, Gorbachev established multicandidate elections and dealt an unintended body blow to planning. Yeltsin, with the people's support, pushed a "radicalization." Getting rid of the remaining mechanisms of the socialist economy proved to be child's play. Legalizing and thereby gaining some influence over the spontaneous appropriation of state property took greater skill. (Something other than reformist talent was involved in who got the choicest assets and how.) But the main task all along was the replacement of the gigantic rust-belt economy, and it remains as daunting as ever.

Privatization, along with macroeconomic stabilization, has not brought about the miraculous transcendence of the rust belt. Nor have the reforms institutionalized contract and property law, regularized tax collection, or reduced official venality as well as other crime. Few people seem to have studied the causes of the developed world's shift from "primitive accumulation" to a permanent legal framework benefiting all property holders. Russia may yet provide some clues. Hope lies in the thousands of new small businesses that have arisen, and in the immense sums of domestic capital known to be kept abroad. Russian banks and holding companies have been buying up properties and businesses beyond their borders, in the "near abroad" of former Soviet territories, and throughout the former satellites of Eastern Europe, and in Western Europe and Asia. Should the money begin to come home and be invested, the results could be extraordinary. And some foreign investors are bullish. Prior to his loose talk about robber-baron capitalism and the tainting of Anatoly Chubais, George Soros formed part of the winning bid for the contested quarter stake in Russia's Svyazinvest. Go figure. •

The Old and the New

By Robert Alter

The Castle
by Franz Kafka
translated by Mark Harman

(Schocken, 328 pp., $25)

Everything about Kafka is complicated and elusive: his life, his intentions about the publication of his work, the texts of his novels and stories, the course of the posthumous publication of his writings, the challenge of representing him in translation. *The Castle*, his last and famously incomplete novel, first appeared in English in 1930, four years after its publication in only 1,500 copies in German. This early English version, by the Scottish critic and poet Edwin Muir and his wife Willa, was the version through which countless thousands of British and American readers experienced *The Castle*, as Kafka swelled in reputation in the years after World War II. Once the cult figure of a small literary elite, Kafka came to be promoted into a major modernist—indeed, into a kind of touchstone of modernist fiction.

The first problem with the Muirs' version was scarcely their fault: it was based on the German text assembled from Kafka's manuscripts by his friend and literary executor Max Brod. In the course of time, it has become clear that Brod's way with Kafka's texts was often cavalier. (Walter Benjamin wryly characterized Kafka's relationship with Brod as "a friendship which is not among the smallest mysteries of Kafka's life.") Brod presumed to excise certain passages not to his taste; and he made some attempts to

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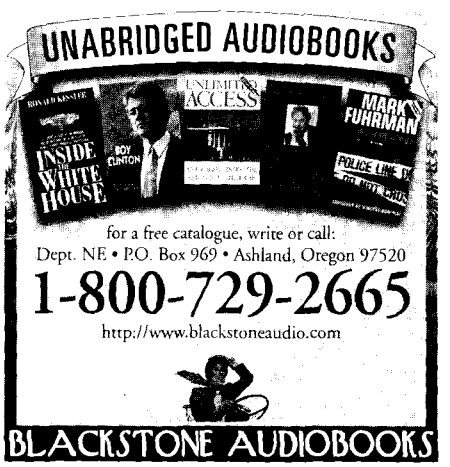

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regularize Kafka's punctuation, which had been deliberately contrived to reflect—as musical rather than grammatical notation—the distinctive rhythmic movement of the prose; and he did not always respect Kafka's evident intentions in regard to chapter breaks.

In 1951, Schocken Books, which had migrated from Germany to New York before the war, brought out a new German edition, somewhat prematurely announced as "definitive," which restored some of the deleted passages. Not long afterward, the Muir translation was accordingly emended. A completely fresh edition of the German text of *The Castle*, part of a larger Kafka project directed by a stellar international editorial board, was brought out in 1982 by the British scholar Malcolm Pasley under the imprint of S. Fischer Verlag. Pasley restores Kafka's punctuation, incorporates previously deleted material, shifts some of the chapter breaks, and refreshingly ends the text as it appears in the manuscript, in mid-sentence. (The last words are *aber was sie sagte*, "but what she said.") Pasley brings us as close as we are likely to get to the version that Kafka intended, though, given the incomplete state of Kafka's own project, perhaps that is not as close as we might like.

It is from Pasley's edition that Mark Harman has made his new translation, the first English version of *The Castle* since the Muirs'. Harman's translation is manifestly more accurate than its predecessor. (As Germanists have been muttering for years, the Muirs sometimes flatly misconstrue the original.) It is also less elegant, because Harman wishes to convey the abruptness and the idiosyncrasies of Kafka's prose without "improving" it. It is also inadvertently less elegant, because Harman does not have so firm a sense of English style as the Muirs.

Despite this general difference in the stylistic feel of the two translations, it must be said that there are quite a few passages in which the Harman version offers no more than minor and relatively inconsequential variations on the Muirs. Here, for example, is one of those wonderfully contradictory sightings of the Castle by K., at the beginning of the eighth chapter. This is the Muirs:

> The Castle, whose contours were already beginning to dissolve, lay silent as ever; never yet had K. seen there the slightest sign of life—perhaps it was quite impossible to recognize anything at that distance, and yet the eye demanded it and could not endure that stillness. When K. looked at the Castle, often it seemed to him as if he were observing someone who sat quietly there gazing in front of him, not lost in thought and so oblivious of everything, but free and untroubled, as if he were alone with nobody to observe him, and yet must notice that he was observed, and all the same remained with his calm not even slightly disturbed; and really—one did not know whether it was cause or effect—the gaze of the observer could not remain concentrated there but slid away. This impression was strengthened still further by the early dusk; the longer he looked, the less he could make out and the deeper everything was lost in twilight.

Here is Harman:

> The Castle, whose contours were already beginning to dissolve, lay still as ever. K. had never seen the slightest sign of life up there, perhaps it wasn't even possible to distinguish anything from this distance, and yet his eyes demanded it and refused to tolerate the stillness. When K. looked at the Castle, it was at times as if he were watching someone who sat there calmly, gazing into space, not lost in thought and therefore cut off from everything, but free and untroubled; as if he were alone, unobserved; and yet it could not have escaped him that someone was observing him, but this didn't disturb his composure and indeed—one could not tell whether through cause or effect—the observer's gaze could not remain fixed there, and slid off. Today this impression was further reinforced by the early darkness, the longer he looked, the less he could make out, and the deeper everything sank into the twilight.

Harman has more commas than the Muirs do, and in a couple of minor instances ("sank" instead of "was lost" at the end) his version reflects the German more literally; but on the whole the two passages at this point are virtually interchangeable. I cite this instance because Harman somewhat overstates matters in his preface, when he claims that his translation is a drastic departure from the Muirs.

To be fair, though, this new rendering of *The Castle* is one of those cases in which a series of small, unmomentous differences does create a cumulative effect, producing a novel in English that is subtly different in tone, and surely closer to Kafka's original, than the version English readers have always known. Consider the brief opening paragraph of the novel, first in the arresting suddenness of Kafka's German, then in the familiar Muir rendering, and finally in the new Harman rendering.

> Es war spät abend als K. ankam. Das Dorf lag in tiefem Schnee. Von Schlossberg war nichts zu sehn, Nebel und Finsternis umgaben ihn, auch nicht der schwächste Lichtschein deutete das grosse Schloss an. Lange stand K. auf der Holzbrücke die von der Landstrasse zum Dorf führt und blickte in die scheinbare Leere empor.

> It was late in the evening when K. arrived. The village was deep in snow. The Castle hill was hidden, veiled in mist and darkness, nor was there even a glimmer of light to show that a castle was there. On the wooden bridge leading from the main road to the village, K. stood for a long time gazing into the illusory emptiness above him.

> It was late evening when K. arrived. The village lay under deep snow. There was no sign of the Castle hill, fog and darkness surrounded it, not even the faintest gleam of light suggested the large Castle. K. stood a long time on the wooden bridge that leads from the main road to the village, gazing upward into the seeming emptiness.

One of the features of Kafka's writing that has made him so resistant to imitation is the artfully rigorous simplicity of his prose—except for those passages, which uncomfortably abound in the later chapters of *The Castle*, when his prose is imitating the convoluted verbal smokewhirls of bureaucratic obfuscation, a procedure that looks as though it led Kafka to lose focus in the novel. It is a style that suggests the generalizing power of archetypes without being self-consciously archetypal, a style that repeatedly conveys a sense of epistemological perplexity without invoking the portentous lexicon of mystery. Here, at the beginning of the novel, a man appears out of nowhere, his background and character unexplained, arriving too late, and peers up in the darkness, trying to make out the Castle that he assumes is there, but which he cannot see. These starkly simple sentences of the opening paragraph adumbrate everything that K. will strive to do in the novel, all the way through to the broken-off utterance with which it ends.

What the Muirs tend to do with this style, as one can see in their treatment of the novel's first paragraph, is to soften its starkness by making it conform more closely to their conception of proper literary prose in English. Thus, the German simply says that there was nothing to be seen of the Castle hill and that, as the Harman version faithfully shows, fog and darkness surrounded it. The Muirs, on the other hand, make the Castle hill both "hidden" and "veiled," introducing a small but alien effect of dramatic heightening that is like an ominous soundtrack in a suspense film meant to underscore a moment of danger. Their modulation of Kafka's abruptness also insinuates a kind of prefabricated interpretation of the narrative data, a quality that, were it pushed very far, would subvert Kafka's whole enterprise.

Harman's "not even the faintest gleam of light suggested the large Castle" literally reflects the German, which adheres strictly to the experience of perception

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and maintains the protagonist's assumption that there is in fact a large castle on the hilltop, however invisible it may be in the nocturnal gloom. The Muirs soften this assumption through a choice of phrase that raises doubts about the existence of the Castle: "nor was there even a glimmer to show that a castle was there." This tendency to nudge the narrative upward from sensory experience to the level of meaning is still more evident in the Muirs' rendering of *scheinbare Leere* as "illusory emptiness" instead of what it plainly means, "seeming emptiness." Their choice sounds more resonantly "literary," but it shifts the statement from what K. sees—as he looks upward into the darkness, there seems to be an emptiness up there—to what the Castle signifies. In the Muirs' version, it figures from the first paragraph of the novel as a realm of illusion. In all these respects, Harman's version, slightly less polished but also more compact, gives us a sounder English equivalent of the original.

The tendency of the Muirs to make Kafka more decorous has the effect occasionally of obscuring the vein of violence in his writing. His imagination of sexuality is a prime instance of this violence. Kafka is never very explicit about sexual acts, but he intimates them in ways that strongly invoke a push toward the animalistic casting away of all civilized restraint, rather like the terrifying nomad conquerors of "An Old Manuscript" who, denied their daily portion of meat, tear apart a live animal and eat it raw. Frieda, the barmaid who becomes K.'s mistress, tames her male customers with a whip. She and K. are described scrabbling desperately at each other's bodies like dogs pawing the ground. In their first sexual encounter, they roll around among puddles of beer behind the bar, a striking narrative detail that is properly registered in both English versions. But at the end of their orgiastic experience, Frieda, in the Muir translation, "began to fasten her disordered blouse." What is actually happening, as Harman accurately reflects, is that she "began to gather what was left of her blouse." This minuscule indication splendidly illustrates Kafka's ability to introduce powerful suggestion through minimal notation. In his frenzy of desire, K. has torn Frieda's blouse to shreds. The libido of the Muirs' protagonist is more measured: he has merely unbuttoned her blouse or disarranged it.

The smoothness of the Muir translation is sometimes also associated with its propensity to slip into small inaccuracies. Compare a final pair of English renderings of the same passage. Here is the Muirs' version:

> The Castle above them, which K. had hoped to reach that very day, was already beginning to grow dark, and retreated again into the distance. But as if to give him a parting sign till their next encounter, a bell began to ring merrily up there, a bell that for at least a second made his heart palpitate, for its tone was menacing, too, as if it threatened him with the fulfillment of his vague desire.

And here is Harman's version:

> The Castle up there, oddly dark already, which K. had still been hoping to reach today, receded again. Yet as though he still had to be given a cue for this temporary parting, a bell up there rang out cheerfully, a bell that for a moment at least made one's heart tremble as if it were threatened—for the sound was painful too—with the fulfillment of its uncertain longings.

The admirable fluency of the Muirs' rendering is achieved at the cost of nuance. The slight untowardness of "oddly dark already" (*merkwürdig dunkel schon*) is abandoned for the more blandly conventional "was already beginning to grow dark." The subjunctive clause that registers K.'s chronic condition of inadequate response to his world, "as though he still had to be given a clue for this temporary parting," is flattened to "as if to give him a parting sign till their next encounter." Kafka's psychological precision in describing the sound of the bell, somewhat surprisingly, as "painful" (*schmerzlich*) is neglected for the sake of a more predictable, incipiently melodramatic effect in "menacing." Also the Muirs make the passage more orderly, and a bit less visceral, by transferring the longings from the heart to K. himself and calling them, in conformity with conventional idiom, "vague" instead of "uncertain" (*unsicher*).

There is a great deal to applaud in Harman's translation. It gives us a much better sense of Kafka's uncompromising and disturbing originality as a prose master than we have heretofore had in English. My one reservation, and it is a minor one, is a wish that his publisher had subjected the translation itself to more stringent editing. For Harman's ear for English idiom occasionally fails him, and there are perhaps a couple of dozen small slips that could easily have been corrected.

For a start, there is the feature of language that linguists call deictics—the indicatives that locate the speaker's position in time and space ("now" and "then," "this" and "that," "up there," "down here," and so forth). The narrative point of view of *The Castle* is that of the protagonist, mediated by a narrator who in effect transposes the first-person inward language of the protagonist to the third person. (The French call this *style indirect libre* and the Germans *erlebte Rede*, or "experienced discourse.") The English convention in deploying this technique is to transpose all verbs from present to past—"I feel her torrid glance" becomes "he felt her torrid glance"—and deictic adverbs are correspondingly transposed—"now" to "then," "here" to "there," and so forth.

When Harman, in the opening passage of the novel, says that the bridge leads to the main road, he is following the present tense of the German verb, and Malcolm Pasley's defense of it: "It signals the presence of a narrator who is not wholly shackled to his hero's awareness, but who can oversee more and vouch for more than he can." One might concede the point in this case, but what is the justification for Harman's "which K. had still been hoping to reach today"? The adverb in question can scarcely be referred to the narrator's frame of reference, and "today" makes little sense in terms of the narrative viewpoint, even if the German says *Heute*. What is required is precisely a temporal indication like the Muirs: "that very day." This sort of deictic disjunction is no more than a minor irritation, but it is hard to see why it is necessary to Harman's com-

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mendable project of fidelity. Sentences such as "Fritz made his inquiries over there while everyone here waited for the answer" are impediments to the English reader.

Elsewhere Harman sometimes loses the requisite nuance of an English word or the rightness of English word order. K. speaks to his landlady about whether he has "found new housing." But housing is something that is provided by a large municipal authority, as in "public housing," and it is surely not to be found in an isolated little Central European village, such as the one in which *The Castle* is set. The Muirs' "lodging" is clearly the more appropriate choice. And Harman succumbs at least once to the contemporary epidemic of substituting the preposition "like" for the subordinate conjunction "as": "Only one table was occupied, by peasants, like yesterday evening." Word-order sometimes becomes needlessly Germanic: "his, from K.'s position below, indestructible circles"; "to clean with great care K.'s clothes and shoes"; "she had gained nothing, so she said, but a cold and, what's more, insincere rebuff" (where it sounds momentarily as though she caught a cold instead of a cold rebuff).

But I really don't mean to carp. Mark Harman has performed an invaluable service for English and American readers not only by making *The Castle* available in a textual version that is a better approximation of its author's intentions, but also by conveying far more effectively than his predecessors the challenging and uncompromising character of Kafka's prose. And the prose matters. It matters more than widely held preconceptions of Kafka allow.

Kafka's language is often described as somehow transparent, the neutral German of a lawyer working in the Hapsburg bureaucracy, perfectly translatable into the other Western languages. In keeping with this notion, his fiction has often been imagined as engaging the perplexities of signification through a relatively minimal mediation of style. For seven decades, Kafka's stories and novels have been happy hunting grounds for exegetes or, alternatively, to borrow a famous phrase from *The Trial*, for "the commentator's despair." Explaining why he regarded the works of Kafka as canonical in the same way as the Bible and the *Zohar*, Gershom Scholem defined the canonical as that kind of text which through its intrinsic character compels endless exegesis. This view is a long, salutary way from the current, dumbed-down academic fashion that equates canon with coercion, and there is much to sustain its relevance to Kafka.

Kafka's writing not only encourages exegesis, it also abounds in exegetical acts. Among all his books, *The Castle* is the most extravagant instance of this trait. The novel's protagonist is a man who seems to have stumbled into a realm that he cannot fathom. He desperately wants confirmation that he has a real role there, and so he is a compulsive exegete. Everything that comes within his purview is subjected to anxious interpretive scrutiny: phone calls, letters, delivered or merely reported messages, the conversation of everyone with whom he speaks, the dress and the gestures and the physiognomies of the townspeople whom he encounters. There are moments when K.'s clueless poring over the mixed messages of his world, like a man conning the text of the Talmud without the help of a commentary, can become exasperating, at least for this reader. But, as much as we are accustomed to see the struggle for meaning as the heart of Kafka's fiction, his novelistic world is compounded not merely of "discourse" but, in more than the narratological sense, of experienced discourse; and that, finally, is why it is imaginatively gripping.

Kafka's strange and riveting sense of concrete realities was as inimitable as the prose through which he made it manifest. In some of his stories, he combines this sense with fantasy quite remarkably, though I think that the strangeness of his three novels, in which the laws of nature are *not* abrogated, is ultimately more interesting. There is a characteristic instance in *The Castle*. It is a moment in which nothing of note happens and nothing really "means" anything, a moment from which no consequences follow in the ensuing plot. Yet it vividly embodies the uncanniness—in this case, the enchanting uncanniness—of the world for the protagonist of the novel; and in so doing, like most great fiction, it challenges our own jaded sense of the world. Harman's translation does justice here to the striking immediacy of the German, which vigorously reflects the chain of K.'s baffled and fascinated perceptions.

K. has been out walking on his first morning in the village. He comes upon a peasant cottage with its door open, and enters:

> Finally the smoke dispersed a little, and K. was gradually able to get his bearings. It seemed to be washday. By the door, clothes were being washed. Yet the smoke had actually come from the left-hand corner, where in a wooden tub, larger than any K. had ever seen, it was about the size of two beds, two men were bathing in steaming water. But even more surprising, though one still couldn't make out the exact nature of the surprise, was the right-hand corner. Through a large garret window, the only one in the back wall, came pale snow-light, surely from the courtyard, which lent a luster as of silk to the dress of a woman who almost lay wearily in a tall armchair set deep in the corner. She held an infant at her breast. A few children were playing around her, peasant children by the looks of them, but she seemed out of place among them, though illness and weariness can make even peasants seem refined.

As in so many scenes in *The Castle*, the protagonist gradually gets his bearings—except that in truth he does not get his bearings at all. He is surrounded by bafflements. Why this odd combination of washday and bathday? What are those two men doing together in a tub, and whence this peculiar tub the size of two beds put together? (This vaguely comic transmogrification of the material apparatus of everyday life is as "Kafkaesque" as the sense of helplessness in the labyrinth of bureaucracy.) The narrative of K. makes a manful effort to establish spatial orientation with the precision of the land surveyor that K. is purported to be: left-hand corner, right-hand corner, source of light in the rear wall (which the Muirs translate as "large opening" instead of "garret window," perhaps confusing the German *Luke* with *Loch*).

We get a sharply concrete picture, and yet it remains confusing. The room is filled with smoke (not steam, as the "logical" Muirs have it), which presumably comes from some sort of fire under the tub in the left-hand corner, but since K. cannot see it, it is not mentioned. The farcical surprise of the two men in the oversized tub is followed by the greater surprise of a painterly vision in the bustling room: the madonna and child in the right-hand corner, the stuff of her peasant dress transmuted by the pale reflected light from the snow coming in through the little window in the back. In still another unanticipated turn at the end of the passage, K. notices that the woman is ill, concluding that it is her invalid languor, in addition to the snow-light, that lends her an aristocratic look. This series of surprised observations is stylistically registered in the impressionistic flow of the language, here and there spilling over formal syntactical constraints. They are regularized by the Muirs, but they are nicely caught by Harman.

Finally, there are a couple of small adverbial and relational notations that introduce a certain disorientation into the protagonist's very act of attempted orientation: "almost lay wearily" (*müde fast lag*) leaves us with a slightly precarious sense of her physical position, and

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"though illness and weariness can make even peasants seem refined," perfectly understandable in itself, stands in a slightly odd tension of causal assertion with the "but she seemed" at the head of the clause, as we might have expected "for illness and weariness. . . " to follow it. And why does this woman arrest K.'s attention in the way that she does? This is a puzzle without any real solution, though K.'s concentration on the tired, sickly mother in the crowded room may intimate something about the process of perception itself as Kafka understands it, which repeatedly seeks to penetrate what is contradictory, paradoxical, and enigmatic.

A novel is a way of imaginatively experiencing the encounter between consciousness and a world that proves to be dauntingly different from the assumptions about it that are encouraged by culture and literature. Hence the birth of the modern genre with *Don Quixote*; hence the legion of young men from the provinces seeking to make their way in the metropolis in the nineteenth-century novel; hence the recurrent novelistic scene in which the protagonist peers up at the façade of a building, into some grand house, down the twisting byways of an unfamiliar neighborhood, and tries to make sense of what the eye takes in. Kafka's accomplishment was to push this logic of the genre to its extreme, as the French critic Marthe Robert saw years ago.

And that is why K.'s long stumble through the confounding realities of the village at the foot of the Castle grips us. The imaginative language through which it is conveyed makes us experience vicariously how much more deeply perplexing and fascinating the world may be than our preconceptions permit us to see. The interior with bathtub and madonna, a Breugelesque scene with a touch of Chagall: this is a microcosmic illustration of the manner in which the imagined life of Kafka's novel engages the reader's life. It is gratifying to have an English version of *The Castle* that makes this engagement more palpable in the directness of its language and in the rhythms of its prose.

ROBERT ALTER is the author of *Necessary Angels: Tradition and Modernity in Kafka, Benjamin, and Scholem* (Harvard) and *Genesis: Translation and Commentary* (Norton).

"In A Strange Way"

BY ALAN TAYLOR

The Name of War: King Philip's War and the Origins of American Identity by Jill Lepore

(Knopf, 337 pp., $30)

In the spring of 1676, Narragansett Indians attacked and burned the colonial town of Providence in Rhode Island. In a subsequent parlay, Roger Williams, one of the surviving colonists, demanded to know the Indians' motives. He recorded their three answers:

> [firstly] they Confessed they were in A Strang[e] Way.
> 2ly we had forced them to it.
> 3ly that God was [with] them and Had forsaken us for they had so prospered in Killing and Burning us far beyond What we did against them.

Most twentieth-century historians of that brutal conflict, known as "King Philip's War," would dwell on the second answer: that the New England colonists' aggressive seizure of Indian lands had driven them to attack. Without discounting that second answer, Jill Lepore draws our attention primarily to the Narragansetts' cryptic and apparently psychological first answer, that they found themselves "in a Strang[e] Way."

Those chilling words seem to draw us into the heart of darkness. What enabled people—Indians and colonists—to burn, plunder, torture, maim, kill, and mutilate their recent neighbors? How did they reconcile their minds to endure, and to inflict, such atrocities? And having endured them and inflicted them, how did they act upon their memories? These are Lepore's questions in this evocative, powerful, and troubling book about a little-known war that speaks to all wars. Since the colonists eventually won, and since they had the printing presses and the archives, Lepore can more fully recover their answers to her questions. But she makes every effort to recreate also the silenced voices of the defeated. In 1675-1677, everyone in New England was "in a Strang[e] Way."

By current academic standards, Lepore's title seems defiantly retrograde. In this postmodern moment, after all, few historians believe in a single and stable American identity, past or present. And what could be more quaint than to seek that identity's roots in colonial New England, the land of Puritans, Salem witches, the *Mayflower*, and Plymouth Rock? Such a search smacks of the WASPish ethnocentrism and filiopietism of the turn-of-the-century Boston Brahmins, who celebrated their deeper regional roots and their Anglo-Saxonism to hold newer immigrants at bay. Today's historians usually look for our multicultural roots and multiple identities in more exotic locales: in Santa Fe, in St. Augustine, in Quebec, in West Africa, in the Chesapeake or Iroquoia—anywhere but in stuffy old New England.

As scholars endlessly and piously debate the proper names for things, Lepore dares to employ the traditional—and recently suspect—phrase "King Philip's War." Bestowed by the Puritan victors, that name seems to blame the war of 1675-1677 on its most famous Indian victim, and misnames him with an Anglicism (his name was Metacom or Metacomet), and exaggerates his power by calling him a "king"—an alien concept to natives who called their multiple and limited leaders "sachems." Searching for something more sympathetic to the defeated, recent scholars have invented an apparently more neutral alternative: they call the conflict Metacom's Rebellion.

Lepore clings to the provocative "King Philip's War" precisely because it highlights the power of the literate colonists to impose their meanings on their victory. She wants readers to confront the tangle of naming and remembering that renders words so tricky and so powerful. Lepore understands that unraveling the past's mysteries is much more than a matter of renaming them. She prefers to highlight the historical ironies and the cultural presuppositions of older names: "'King Philip's War' is not unbiased," she observes, "but its biases are telling." Indeed, there is an exorcising quality to Lepore's invocation of "King Philip's War," as if it were healthier to dwell on its masquerading qualities.

By mustering her unconventional book under a conventional title, Lepore runs the risk that casual readers will expect to find a standard political and military history of events that adheres

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to a strict chronology. In fact, she avoids the sort of omniscient narrative that begins with causes, proceeds into a linked sequence of battles, climaxes in one crucial encounter, and culminates in an analysis of consequences. Instead Lepore tells several episodic stories out of time and bracketed by a scholarly analysis that ranges far and wide to find parallels and echoes in later centuries. Thus she begins with a gruesome episode of torture and execution from the last months of the war, and then she backtracks to the war's origins more than a year earlier. And these stories are open-ended, defying certainty or closure because their sources remain cryptic or incomplete. Rather than bemoaning this lack of certainty, Lepore takes (and gives) exuberant pleasure in the past's multiple possibilities.

Lepore displays remarkable gifts as a storyteller in the many dramatic episodes encapsulated in each analytical chapter. Her writing and thinking will wear well over the years, because she possesses the special gift of our most enduring historians: a flair for finding strange and ironic episodes whose details reveal the past's most fundamental and painful contradictions. More than a sequential narration of events, *The Name of War* offers a history of history-making that reveals how, over three centuries of time, diverse people (but mostly colonists and their descendants) have variously, selectively, and subjectively narrated the war to manage their horror and to give meaning to their lives.

"How wars are remembered can be just as important as how they were fought and first described," Lepore observes. When the Puritan ministers Increase Mather and William Hubbard framed the first narratives of the war as a demonic uprising against God's chosen but wavering people, they completed the conquest. Indeed, Lepore argues that violent action and its interpretation are reciprocal in war: "It is the central claim of this book that wounds and words—the injuries and their interpretation—cannot be separated, that acts of war generate acts of narration, and that both types of acts are often joined in a common purpose: defining the geographical, political, cultural, and sometimes racial and national boundaries between peoples."

The war began in June 1675, after the Plymouth colonists hanged three prominent Wampanoag Indians convicted of murdering a Christian Indian who was an informer. Infuriated by the executions, Metacom, or Philip, the principal Wampanoag sachem, invoked two generations of colonial abuses and Indian resentments to draw most of the Algonquian tribes of New England into a war that was intended to destroy the newcomers. A succession of bloody and fiery raids assailed 52 of the region's 90 colonial towns, destroying twelve and killing or wounding perhaps a quarter of the colonists. Facing obliteration, the colonial rulers rallied their forces. These included a coerced minority of Christian Indians. To prove their loyalty and zeal, Christian Indians had to bring in two scalps or heads. Those who would not or could not fight were confined on a cold, barren island in Boston harbor, where hundreds died from exposure, malnutrition, and disease (or were stolen by slavers).

In 1676, the colonists turned the tide by destroying the villages of their Indian foes, massacring men, women, and children. After Metacom/Philip's death and mutilation in August, Indian resistance waned as hundreds surrendered to the victors' justice. Triumphant but embittered, the colonial authorities executed Indian leaders and enslaved their women and children for sale in the West Indies. Only those Indians who had assisted in subduing their kin were permitted to remain in southern New England, as a tiny and maligned minority within shrinking reservations surrounded by the victors. Defiant survivors had to flee northward to take refuge among northern New England's tribes, who preserved their independence and hostility into the mid-eighteenth century.

The utter brutality of the war and the near-totality of the colonial victory combined virtually to erase a physical and cultural landscape of partial accommodation between the natives and the newcomers. Before the war, most colonists and Indians had warily accepted that they should try to find some way to coexist. Before 1675, there was no clear frontier line separating Indians and colonists, in geography or in culture. Indian villages and settler towns intermixed in much of southern New England.

To the dismay of their leaders, indeed, many colonists had borrowed some Indian ways, particularly a shifting and dispersed pattern of settlement that put many closer to Indian villages than to Puritan churches. At the same time, under the pressure of the growing colonial population and power, many Indians were trying to adopt English ways, including a measure of the Puritans' especially demanding form of Christianity. A large and growing minority of Indians sought to preserve some of their land and their autonomy by moving into "praying towns" supervised by Puritan missionaries, principally the Reverend John Eliot. By drawing Indians into praying towns, the missionaries hoped to save their lives from more vindictive colonists, and to save their souls from Hell.

Prewar New England's diverse aggregation of native and settler communities was no multicultural utopia. The imbalance of power demanded far greater sacrifices and far more traumatic changes from the natives. This uneasy set of accommodations was surely preferable to the slaughter, slavery, and isolations that followed. In the early 1670s, however, this strange new world of shifting and overlapping cultures—English and Indian—was disturbing to purists among both the colonists and the natives. Puritan leaders worried that their dispersed settlers were degenerating into quasi-savages as a consequence of their immersion in the forest and their association with the Indians. And many native leaders blamed their people's dwindling numbers, shrinking domains, declining wildlife, and deteriorating prowess on their neglect of traditional beliefs and ceremonies. All this decay seemed to show that their spiritual power was ebbing. To restore that power, they needed to reject the invaders' God, and reunite all Indians in the performance of ancestral ritual, and drive out the corrupting colonists.

And so, to purify themselves and their land, the militant sachems rose up in rebellion in 1675. Precisely because the colonists had labored so hard to remake the landscape, to "clothe" it in the churches, the houses, the fences, the barns, and the cattle of English Christianity and civility, the Indian rebels systematically and theatrically burned, killed, mutilated, and desecrated all those marks of intrusion. Taught by missionaries, some Indians knew enough English and Christianity to mock dying Puritans with blasphemy: "Come Lord Jesus, save this poor Englishman if thou canst, whom I am now about to kill." The rebels regarded every dying colonist, every burning house, every desecrated church as accumulating evidence that the English God was no match for their own returning spiritual power. Recall the Narragansett Indians' explanation that they destroyed Providence because, in Roger Williams's words, "God was [with] them and Had forsaken us for they had so prospered in Killing and Burning us far beyond What we did against them."

The colonists were horrified at the rapid destruction of their hard-earned property, at the ready effacement of their culture from the land, at the imminent prospect of a resurgent Indian landscape, and at the unavenged blasphemy of Indian voices. Only by counterattacking with unchecked brutality could they vindicate their God and prove their own

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worthiness to worship Him. The ravages upon their landscape and the mockery of their God freed the colonists to demonize and to dehumanize the Indians as satanic wolves or snakes. Only by destroying them without mercy could the colonists reaffirm their own devotion to Christianity and English ways. Every dead Indian and burned wigwam manifested the resurgent power of the Puritan God and His renewed approval of His chosen people, the New England saints.

In this grim equation, unchecked brutality to savages was the ultimate proof of Christian civilization. Infuriated by the Narragansetts' boasting, Roger Williams retorted that "God had prospered us so that wee had driven the Wampanoogs with Phillip out of his Countrie and the Nahigonsiks out of their Countrie, and had destroyed Multitudes of them in Fighting and Flying, in Hung[e]r and Cold, etc.: and that God would help us to Consume them." And, in both the course of events and the history-writing about them, Roger Williams had the last word. (Until Lepore.)

War and victory freed colonial leaders to indulge their darker ambitions to destroy or to subdue Indians on the battlefield and in collective memory. Indeed, the two types of victories, bloody and wordy, were reciprocal. "If war is a contest of both injuries and interpretation," Lepore writes, "the English made sure that they won the latter, even when the former was not yet assured." During and immediately after the war, prominent Puritan ministers rushed their histories into print in both England and New England. They were determined to vindicate the colonists' atrocities as godly reprisals and to justify a New England ethnically cleansed of Indians.

Reverend William Hubbard warned readers to waste no sympathy on the dead or enslaved Indian children: "Being all young Serpents of the same Brood, the subduing or taking [of] so many ought to be acknowledged as another signal Victory, and Pledg[e] of Divine Favour to the English." Hubbard wanted no criticism from distant England to inhibit the bloody work of preserving New England and vindicating the Puritan God. Reverend Increase Mather attributed the war to a just and angry God provoked by the Puritans' prewar degeneracy: "Christians in this Land have become too like unto the Indians, and then we need not wonder if the Lord hath afflicted us by them." Only by establishing a new distance from Indian ways, Indian thoughts, and Indian bodies could colonists maintain the Englishness and the Christianity that their God demanded. Lepore concludes that "in

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Incitement to Violence

Do the Palestinians Live up to Their Oslo Commitments?

In the so-called "Oslo Agreement", Israel undertook unilaterally to make valuable concessions to the Palestinians, concessions that would eventually enable them to form an autonomous entity. Israel requested very little in return—primarily that the Palestinians would abstain from violence and from incitement to violence.

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The reality, regrettably, has not at all lived up to the agreement made. While Arafat and other Palestinian leaders proclaim their peaceful intentions in English before Western audiences, they are brutally frank when they address their own people in Arabic and away from Western television cameras. There is constant incitement to violence and frank declaration of the ultimate goal—namely the destruction of the State of Israel and its replacement by "Palestine," an Arab state.

The statements that follow were made by Palestinian leaders within the last twelve months. They are representative of many others in the same vein.

PA Chairman Yasser Arafat ***(Palestinian Television, August 9, 1997):*** *"We must confront them, we must confront them. We must confront them in every sense of the word."*

Yasser Arafat ***(Palestinian Television, August 6, 1997):*** *"...let us commit ourselves before Allah and the Palestinian people that we shall lead the coming battle as we have led previous battles. An oath is an oath and a promise is a promise. The whole world stands by us, while they are alone. They are afraid, but we are not. We cling to the oath and the promise. The Palestinian people is faithful to its oath, the one which we swore upon the first day when the initial shot was fired and the first of our martyrs fell...We are marching together with the blessing of Allah, my brothers, we are marching together to Jerusalem, Jerusalem, Jerusalem."*

Kamel Hamid, head of Fatah (a faction of the PLO) ***(At a Rally, August 10, 1997):*** *"...all means are legitimate to uproot the despicable occupation."*

Sheikh Hamed Bitawi, chairman of the Palestine Religious Scholars Association ***(July 27, 1997):*** *"That which befell the infidel nations will also occur to the State of Israel. We are certain that Allah will destroy the State of Israel either through natural disasters, such as an earthquake, or at the hands of the Moslems, or both."*

PA Mufti Ikrama Sabri ***(In a sermon at Al-Aksa Mosque, July 11, 1997):*** *"Oh Allah, destroy America for she is ruled by Zionist Jews...Allah shall take revenge on behalf of his prophet against the colonialist settlers who are sons of monkeys and pigs..."*

PA Minister for Jerusalem Affairs Feisal Husseini ***(May 18, 1997):*** *"Israel is attempting to obstruct peace...The only option remaining for us will be an alternative option...war."*

Yasser Arafat ***(Addressing a crowd in Tulkarem, April 28, 1997):*** *"I now see the walls of Jerusalem, the mosques of Jerusalem, the churches of Jerusalem. My brothers! With blood and with spirit we will redeem you, Palestine!"*

Nabil Ramlawi ***(At a session of the U.N. Commission on Human Rights, Reported March 17, 1997):*** *"Israeli authorities...infected by injection 300 Palestinian children with the HIV virus during the years of the intifada."*

All of these quotations are only a minute fraction of the inflammatory statements with which Palestinian leaders whip up their followers to a frenzy of hatred and violence against Israel. It is in line with all the other acts of defiance and non-compliance on the part of the Palestinians. Most egregiously perhaps, that famous Covenant that unequivocally calls for the destruction of Israel has never been rescinded. Instead of combating terrorist activity, the Palestinian Authority (P.A.) continues to release well-known members of terrorist groups. Another blatant violation is the size and the weaponry of the so-called P.A. police force, which was fixed by Oslo at a maximum of 24,000, but which is now estimated at over 50,000 members, many of them former terrorists. How do people expect Israel to bring further "sacrifices for peace" to appease these fanatics and why, in the face of daily evidence of Palestinian intransigence and murderous hatred, should Israel even consider turning over vital strategic assets to those who are openly committed to its destruction? Peace will not come to this part of the world until the Palestinians and the Arab nations commit themselves to full acceptance of Israel and are willing to live with it in peace. And that day seems to be a long way off.

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the end, their writings proved to be pivotal to their victory, a victory that drew new, firmer boundaries between English and Indian people and between what it meant to be 'English' and what it meant to be 'Indian.'"

Only a few Puritan missionaries regretted their countrymen's ruthless new determination to treat all Indians as unredeemable savages. But these dissidents were a tiny, nearly silenced minority, threatened with death when they spoke up. A grieving John Eliot saw no point in trying to challenge his history-writing colleagues who gloried in the slaughter, the slavery, and the confinement of Indians. He confined himself to private and futile pleas for the lives of Christian Indians deemed insufficiently loyal by the authorities. His more reckless colleague, Reverend Daniel Gookin, did write a history of the war that sympathized with the sufferings of the Christian Indians trapped between the belligerents. But Gookin could not find anyone to publish his manuscript in New England or England until the next century.

Drawing sharp new boundaries on the land and in their minds, the Puritans consigned the Indian survivors to shrinking reservations, and they redefined the natives as permanently different and unalterably inferior—barely deserving of life and hardly worth the effort to convert. The victors virtually obliterated the prewar world of cultural ambiguities and social accommodations. The victors of 1675 and their heirs proved unrelenting in their new determination to separate and to dominate, and so Lepore regards the vindictive victory of 1675 "as a critical step in the evolution toward an increasingly racialized ideology of the differences between Europeans and Indians." Indeed, she even credits the Puritan victory for "the worldview that would create, a century and a half later, the Indian removal policy adopted by Andrew Jackson."

She probably claims too much for this bloody war in New England. Southern historians will counter that seventeenth-century Virginians had already fought a succession of equally brutal Indian wars that probably contributed as much, if not more, to the emergence of American racism. Andrew Jackson of Tennessee derived his unforgiving views of Indians more proximately and more probably from a Virginia tradition that needed no lessons in hatred from the Puritans. Lepore's claim highlights the new twist on the old regional chauvinism long characteristic of colonial historians. In past generations, Virginia's and New England's historians competed to claim the birthplace of democracy; but now they contend over when and where racism emerged. The common denominator is a persistent pride in their chosen region as more important in defining nineteenth-century America—which used to be known as a land of liberty but is now seen primarily as a domain of inequality and injustice.

If we narrow Lepore's claims to New England, however, she is surely right about the powerful legacy of King Philip's War. As they waged further wars to conquer northern New England's still defiant Indians, the colonists revived their vindictive memories. For the rest of the seventeenth century and throughout the eighteenth century, every new colonial war evoked grim and determined retellings of the Puritan version of King Philip's War as a holy war. Every New England generation needed to prove that they were as worthy as their heroic forebears who had survived Indian attacks and had rallied to destroy King Philip and his demonic minions. In the late seventeenth century, tourists journeyed to Plymouth not for the now celebrated rock, but to gape at and mock King Philip's skull, bleaching on a post beside the road. At the close of that century, the visitors included Cotton Mather, who followed in his father's footsteps to become a minister and historian. He also inherited his father's rage: Cotton Mather wrenched off and took away King Philip's jawbone, thus completing the sachem's silencing.

A century later, the rage of the New Englanders receded in favor of a patronizing retrospection. Once the region's Indians seemed entirely subdued and virtually invisible, New Englanders reinvented their myth of King Philip. No longer needing a villainous and satanic Philip, they recast him as the noble savage, admirable but tragic. The nineteenth-century version of King Philip represented Americans' insistence that all Indians were clearly doomed to a rapid extinction that was mandated by a divine Providence. In that utter confidence, eastern Americans indulged in a new sentimentalism about dead Indians that was the ultimate declaration of total victory.

In 1829, the New England playwright John Augustus Stone collaborated with the bombastic actor Edwin Forrest to craft a play entitled *Metamora; or, the Last of the Wampanoags*. Once again renaming Metacom, the playwright allowed him a proud defiance because the point of the play was to kill him off and to declare him the last of his tribe, and an omen for the fate of all other Indians. Moreover, by applauding the depiction of "Metamora" as an American patriot resisting English colonists, nineteenth-century audiences could see themselves as his truly deserving heirs, while impugning the Indians of their own day as a degraded, drunken, and dwindling few unworthy of their noble ancestor. Thus the play was the consummate indignity heaped on King Philip: remaking him into a witness against the survival of America's living Indians.

In fact, Indians survived the horrors of colonial and nineteenth-century America, even in New England. Until the 1960s, however, they had a very hard time getting other New Englanders to see them. In 1876 the governor of Rhode Island celebrated the bicentennial of King Philip's War with a speech that pronounced "the red man" as "wiped out"—despite the conspicuous presence near the podium of two Wampanoag women in full Indian regalia. This willful blindness is the subject of Lepore's consummate story: her epilogue that reexamines "Northmen's Rock" (or "Viking's Rock") on the shore of Mount Hope Bay in Bristol, Rhode Island.

In 1835, the locals detected a strange inscription on the rock. Antiquarians leaped to the satisfying conclusion that the carvings were runes, and therefore proof that Vikings had visited New England in 1007. This discovery reassured the white folk by lengthening their pedigree in the New World. Consequently, nobody paid much attention in 1920, when an iconoclastic psychology professor at Brown University debunked the Norse myth by demonstrating that the carvings were Cherokee and translated into English as "Metacomet, Great Sachem." If so, the inscription postdated 1821, when Sequoyah invented the Cherokee syllabary, and predated 1835, when the rock first attracted notice. It was probably carved by a Cherokee named Thomas Mitchell and his Wampanoag wife, Zerviah Gould, who claimed descent from King Philip. They married in 1824 and lived in nearby Massachusetts. The story of "Northmen's Rock" perfectly serves Lepore's larger story about the persistence of Indians, the distinctiveness of their memories, and the obliviousness of their dominators. Today's residents of Bristol continue to call the rock "Viking's Rock."

This may change if they read Lepore's book. Although surviving documents dictate that she concentrate on the stories told by white Americans about the war, Lepore makes the most of every scrap of evidence to recover traces of the Indians' voices. We have some 20 published accounts from the war's contemporaries, in addition to more than 400

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letters. Almost all were produced by wealthy and prominent colonists; none is by an Indian. In reexamining the self-serving stories told by the colonists, Lepore struggles to bring to the center the native voices that they marginalized. Thus she retells the story of Mary Rowlandson, a Puritan minister's wife who suffered and survived an Indian captivity in 1676. Redeemed both physically and spiritually from her ordeal, Rowlandson published in 1682 a recounting of her captivity under the pious title *The Soveraignty and Goodness of God.* It was the first American bestseller. Rowlandson's captivity narrative contributed to the dehumanization of the Indians as utterly alien and demonic. Recalling their attack on her town, Rowlandson described "Christians lying in their blood, some here, and some there, like a company of sheep torn by wolves. All of them stripped naked by a company of hell-hounds, roaring, singing, ranging and insulting, as if they would have torn our very hearts out."

Lepore muddies this racial polarization by restoring to Rowlandson's captivity story the prominent and mediating role played by a Christian Indian known as James Printer. Converted by John Eliot, Printer obtained his name by serving that missionary as a translator and a typesetter for his Cambridge press. In 1675, Printer and the other residents of the praying town of Hassanemesit were forcibly drawn into the war by their rebelling kinsmen. After helping to take Rowlandson prisoner, Printer brokered the negotiations for her ransom by Puritan authorities. Recognizing the tide turning against the militants, Printer deserted, bringing the heads of two dead Indians to purchase his amnesty from the Puritans. Returning to Eliot's press, he probably helped to set the type when it published Rowlandson's captivity narrative. In the delicious ironies of Printer's and Rowlandson's intertwining experiences, Lepore detects the continued entanglement of Indians and colonists even as the latter sought a perfect polarization and separation.

Still, Lepore cannot complete her retelling, because she cannot recover what intrigues her the most: what ran through Printer's mind as he worked with Rowlandson's powerful words, so deadly to the eroding world of accommodations. "It is impossible not to wonder what he thought. Did he measure Rowlandson's sufferings against his own?" If so, it must have been painful to realize that neither his master nor the public would suffer him to publish his own more extraordinary story. The Puritans wanted to read of their early suffering and their eventual triumph, not of the far more numerous, horrific, and permanent enslavements endured by Indians. Owing to Printer's absence from print, Lepore must concede that his mind "will remain a mystery."

Time and again, Lepore's bold efforts to recover the lost centrality of Indians dissipate into intriguing possibilities for want of evidence. Lepore is honest about this. She repeatedly compromises her most evocative and lyrical passages with "perhaps," "maybe," "possibly." The retold stories are intriguing but they are almost always incomplete, because the colonial authors did not care about the endings that tease our imagination. What became of those captured Algonquians exported by the hundreds in slave ships for sale to the sugar planters of the West Indies? The most likely destination, the English colonies of Barbados and Jamaica, quickly barred the importation of enslaved New England Indians. Although desperate for additional slaves for their profitable but deadly plantations, the West Indian masters deemed the New England Algonquians "a people of too subtle, bloody, and dangerous inclination to be and remain here." So where did the slavers take them? Our colonial informants are mute, since they did not care what became of the Indians once they were sold, so long as they never came back, which they apparently never did. Lepore can only speculate: "Turned away at port after port, it is possible that slave ships from New England simply dumped their now valueless cargo somewhere in the Caribbean Sea, or abandoned groups of New England Indians on uninhabited islands."

This is where our colonial historiography seems headed: into provocative meditations about possibilities suggested, but left uncertain, by stray slivers of evidence. Until recently, most historians allowed the well-documented elite to speak for all colonists and left the Indians' thoughts in the obscurity of the record or to the obloquy of their enemies. Today, historians ask larger questions of the gap-ridden record than their predecessors. For this reason, we can no longer write with the assurance and with the certainty that formerly characterized the writing of history. This new, more speculative and open-ended mode of history can thrive when the historian is honest, thoughtful, and imaginative, as Jill Lepore is.

ALAN TAYLOR is the author of *William Cooper's Town: Power and Persuasion on the Frontier of the Early American Republic* (Knopf).

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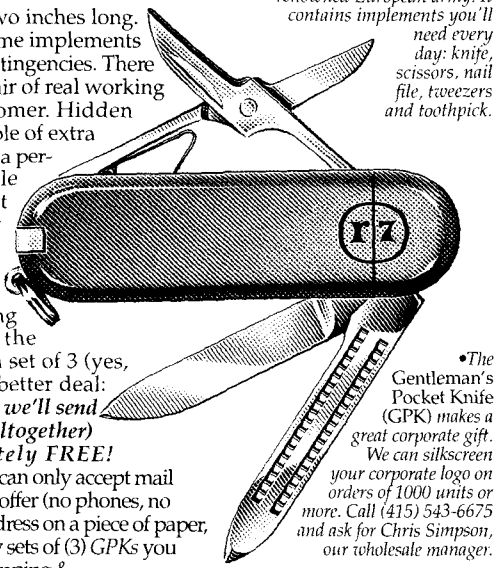

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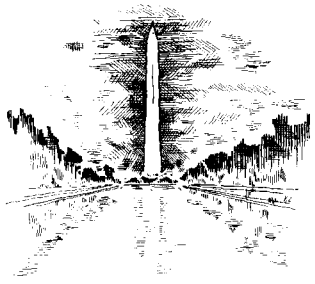
March sadness

I HAVE ALWAYS CHEERED FOR THE Georgetown Hoyas in the NCAA basketball tournament. This isn't because I liked their ball-hawking, aggressive style of play or because I have any connection to the school. I don't. What has drawn me to the Hoyas is that they aspired to be more than just a basketball team; they were a showcase for the redemptive and rehabilitative powers of athletics. But now that ideal has fallen into disrepute, and the Hoyas have fallen on hard times. This year, for only the second time in the last 20 years, Georgetown did not play well enough to qualify for the tournament.

FOR BETTER OR WORSE, GEORGETOWN basketball *is* John Thompson. Before Thompson was named head coach in 1972, the Hoyas were a nonentity: a ragtag group of players whose meager talents had produced only three wins in the 26-game season prior to Thompson's arrival. But the 29-year-old Thompson had a plan. A celebrated member of one of Washington's most storied high school teams who had returned to coach high school ball in his native city after a strong college playing career and brief stint in the pros, Thompson had deep roots in local basketball culture. And he tapped those roots to build a program at Georgetown. Players he knew from Washington's high schools, police boys clubs, and playgrounds were his first recruits.

OF COURSE, THOSE PLAYERS, LIKE Thompson, were black. Almost all were from inner-city neighborhoods and had never even considered attending Georgetown, the prestigious Jesuit school that sits high on a hilltop west of Rock Creek Park. (Nor had Georgetown considered admitting them.) The 6'10", 300-pound Thompson and his players stood out on Georgetown's lily-white campus, and at first their presence was not entirely welcome. A losing streak in Thompson's third season was punctuated during one game by a fan's unfurling a banner that read, "Thompson, The Nigger Flop, Must Go." But, by Thompson's tenth season, when he took the Hoyas to the NCAA championship game, the team was so popular that Georgetown celebrated by giving students a day off—in honor of "Our Lady of the Backboard."

NATURALLY, THE JESUITS WHO RUN Georgetown relished having a winning basketball team: publicity for the school has meant more applications and more donations. But, at the same time, the Jesuits were not willing to win at all costs. Georgetown hired Thompson—and allowed him to bring in players who wouldn't have qualified for regular admission—largely because it trusted him to provide his players with an education and to ensure that they wouldn't embarrass the school once they left it. Thompson's first hire at Georgetown was Mary Fenlon, a former nun who had taught English and Latin at the high school where Thompson had coached. As the team's academic coordinator, Fenlon has been merciless in making sure Thompson's players attend classes, complete assignments, and generally make progress toward their degrees. Team members have to visit Fenlon's office each week to sign "The Book"—a log of their attendance and grades. If their performance slips, they're benched; if the slide continues, they're off the team.



THOMPSON IS JUST AS STRINGENT when it comes to nonacademic matters. With contacts all over campus and the city reporting back to him, it's nearly impossible for players to conceal off-court misbehavior. In the late 1980s, when two of Thompson's stars began hanging out with Rayful Edmond III, then the city's most notorious drug lord, Thompson sent word that he wanted to meet with Edmond. When Edmond, who's now serving a life sentence in a federal prison, showed up at Thompson's office, the coach told him in no uncertain terms to stay away from the players—and Edmond listened. It's often been said that playing basketball at Georgetown is like spending four years in protective custody.

FOR A NUMBER OF YEARS, THIS system worked. Thompson found talented black players from America's inner cities and brought them to Georgetown. The players, with their superior basketball skills, gave Thompson dominating teams that were perennial contenders. And Thompson, with a larger goal in mind, mentored them to become productive members of society. He would interrupt practices to lecture on current events and finances; he used road games to teach his players about business travel staples like eating in restaurants and staying in hotels. After graduating, a number of Thompson's players went on to the NBA. But the ones who didn't are even more impressive: those economically disadvantaged black teens who may not have been academically qualified to attend Georgetown are now confident and successful men working in Wall Street investment houses and law firms.

BUT, IN RECENT YEARS, THE TALented players who once so willingly bought into Thompson's system—and the accompanying on-court victories they produced—have been harder to come by. The idea of using sport for self-improvement, rather than monetary gain or personal glory, has fallen out of favor. Not only are fewer top recruits attending Georgetown, but those who do aren't sticking around: only ten of the 17 players Thompson brought to Georgetown as freshmen between 1992 and 1996 stayed through their senior years. The rest either quit or were kicked off the team. The two most talented players Thompson has coached in recent years, Allen Iverson and Victor Page—both of whom had run-ins with the law prior to attending Georgetown—became the first Georgetown players ever to leave school early to turn pro. Neither has comported himself especially well since. Iverson, who makes millions playing in the NBA, was arrested last summer on handgun and marijuana charges; Page, who's eking out an existence in the minor league Continental Basketball Association, was fined $3,000 and suspended for 18 games after attacking an opponent with a broom.

"I DON'T HAVE TIME FOR JACKASSES anymore," Thompson has said. "I don't want to be in a situation with a kid where I have to explain the value of going to college." But, these days, it's not easy to win in college basketball without any jackasses on your team. Lately, Thompson has stocked his roster with recruits from Africa who may not be the best dribblers or shooters but who readily abide by Thompson's rules. But Thompson never set out to improve the lives of young men who live thousands of miles from Georgetown. He has always had his eyes on those closer to home. In his office at Georgetown, Thompson has long kept a deflated basketball as a reminder to his players that, one day, their basketball careers will end and that they best prepare themselves to do something else. Now, it's the Georgetown basketball program, and everything it represents, that's deflated.

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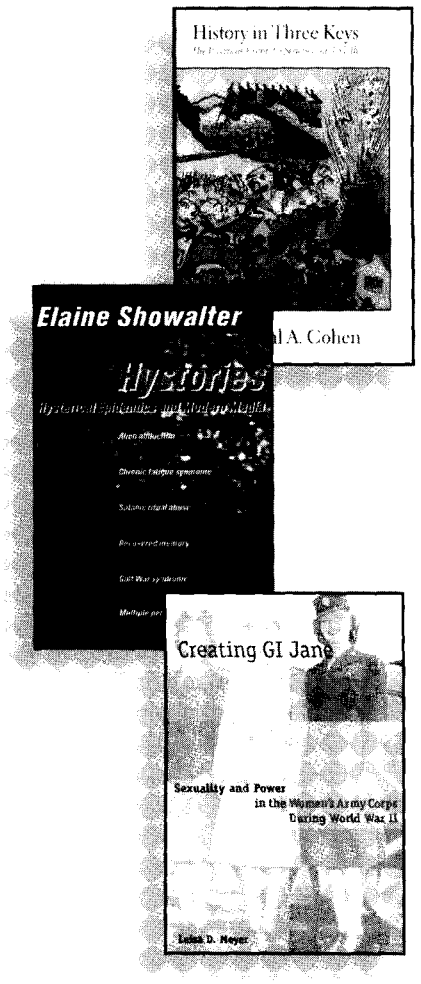
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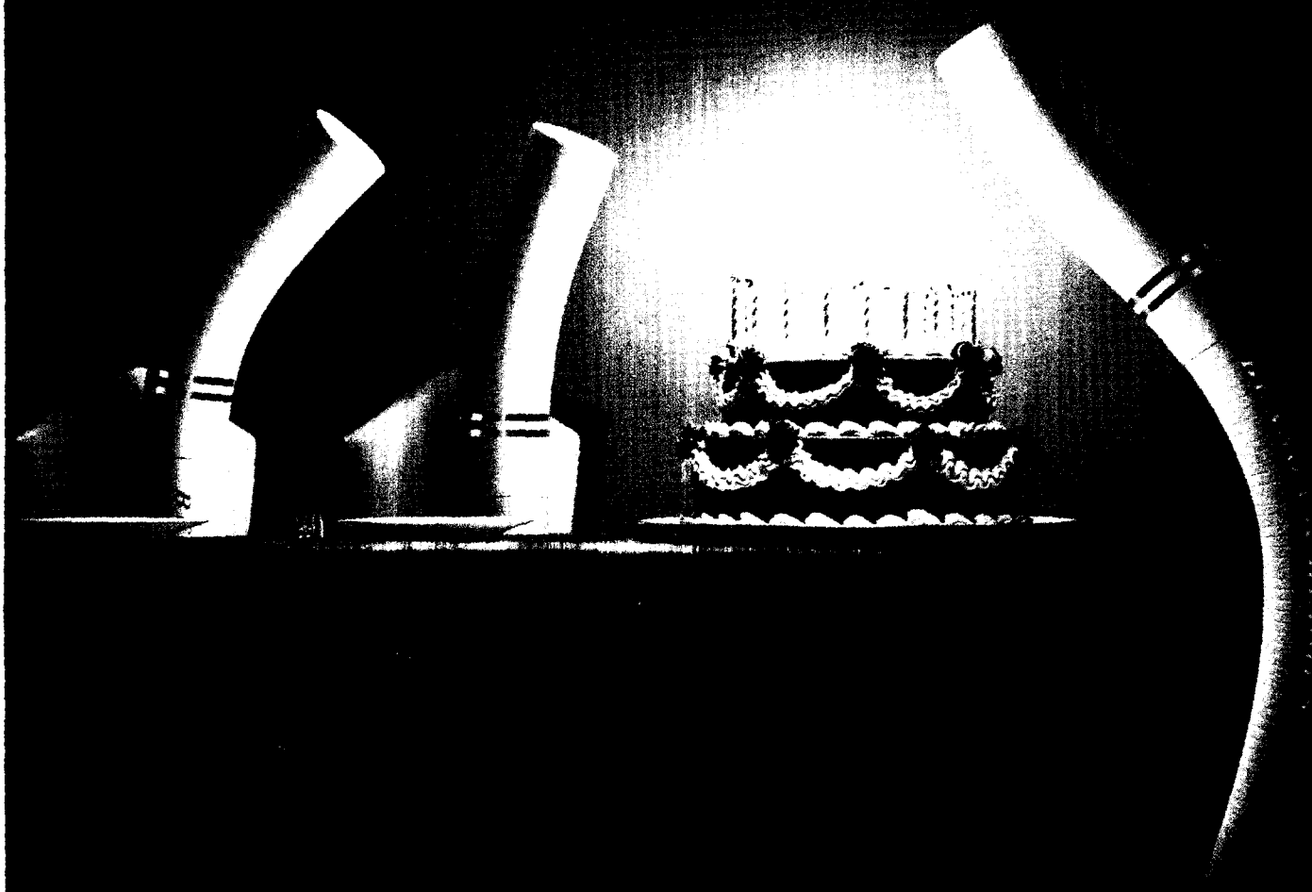
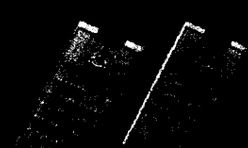
WISHES & DREAMS
BENSON & HEDGES



Philip Morris Inc. 1998

15 mg "tar," 1.1 mg nicotine av. per cigarette by FTC method.

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.



A MOMENT OF PLEASURE
WITH THE 100MM CIGARETTE

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